

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78.

between

STEPHEN MARSHALL & HOTEL BOURBON, Landlord(s),

Applicant(s)

and

s.22

Tenant(s),

Respondent(s)

Re: An application pursuant to sections 55 and 67 and 38 of the *Residential Tenancy Act* regarding the rental unit at:

s.22 **-50 W. CORDOVA ST., VANCOUVER , British Columbia**

Date and place of hearing: October 27, 2006, Burnaby.

Appearances:

For the Landlord: Stephen Marshall

For the Tenant: no one

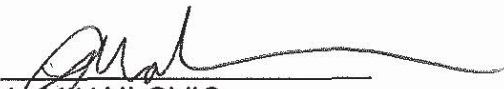
DECISION AND REASONS

This was an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Based on the landlords' sworn evidence, I find that he personally served the tenant with an application for arbitration and notice of hearing on September 22nd. As the tenant has been properly served, I proceeded with the hearing in her absence.

I find that the tenant was served with a notice to end a residential tenancy for non-payment of rent on September 6th. The tenant has not paid the outstanding rent nor has filed for arbitration to have the notice set aside. Therefore, the tenant is conclusively presumed to have accepted the end of tenancy date as reflected in the notice to end tenancy. I grant the landlord an order for possession effective October 31, 2006. This order may be filed in the Supreme Court and enforced as an order of that Court.

As for the monetary claim, I find that there is outstanding rent of \$100 for August, \$400 for September, \$400 for revenue loss for October and the fee paid for this application totaling \$950. I order that the landlord retain the deposit and interest of \$200.33 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$749.67. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated October 27, 2006.


A. MIHAILOVIC
Arbitrator

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78.

between

STEPHEN MARSHALL & HOTEL BOURBON, Landlord(s),

Applicant(s)

and

s.22

Tenant(s),

Respondent(s)

Re: An application pursuant to sections 55 and 67 and 38 of the *Residential Tenancy Act* regarding the rental unit at:

s.22 **50 W. CORDOVA ST., VANCOUVER , British Columbia**


Date and place of hearing: October 27, 2006, Burnaby.

ORDER

Having heard the evidence of the applicant and in the absence of any evidence from the respondent, who did not appear although served with the application and notice of hearing,

I DO HEREBY ORDER, pursuant to section 67 of the *Residential Tenancy Act*, that the respondent(s), ^{s.22} pay to the applicant(s), **STEPHEN MARSHALL & HOTEL BOURBON**, the sum of **\$749.67**.

Dated October 27, 2006.



A. MIHAILOVIC
Arbitrator

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78.

between

STEPHEN MARSHALL & HOTEL BOURBON, Landlord(s),

Applicant(s)

and

s.22

Tenant(s),

Respondent(s)

Re: An application pursuant to sections 55 and 67 and 38 of the *Residential Tenancy Act* regarding the rental unit at:

s.22 **.50 W. CORDOVA ST., VANCOUVER , British Columbia**

Date and place of hearing: October 27, 2006, Burnaby.

ORDER

I AUTHORIZE AND COMMAND YOU, s.22

Tenant(s) to deliver full and

peaceable vacant possession and occupation of the above noted rental unit to

STEPHEN MARSHALL & HOTEL BOURBON, Landlord(s) not later than **October 31,**
2006 at 1:00pm.

Dated October 27, 2006.



A. MIHAILOVIC
Arbitrator



Application for Arbitration

IMPORTANT: BEFORE COMPLETING THIS FORM, PLEASE READ INSTRUCTIONS AND PROCESS INFORMATION ON PAGE 2

#RTO - 12

FILE #: 187737

NOTES: • IF ADDITIONAL SPACE IS REQUIRED TO LIST ALL PARTIES, complete and attach Schedule of Parties (#RTO-26)
• IF THE FULL LEGAL NAME OF THE PARTY IS A BUSINESS NAME, enter the full legal business name in the field box labeled 'last name'.

A. APPLICANT(S) (person[s] asking for arbitration): ☐ Tenant ☒ Landlord

last name MARSHALL	first and middle name(s) STEPHEN
last name HOTEL BOURBON	first and middle name(s)

Address of Applicant(s) (current address for service of documents):

unit/site s.22	street address 50 W. CORDOVA ST.	city VANCOUVER	province BC	postal code V6B 1C9
daytime phone number	other phone number	tax number for service		

B. RESPONDENT(S) (other party(s) to the arbitration): ☒ Tenant ☐ Landlord

last name	first and middle name(s)
last name	first and middle name(s)

Address of Respondent(s) (current address for service of documents):

unit/site s.22	street address	city	province	postal code
daytime phone number	other phone number	fax number for service		

DISPUTE ADDRESS ☒ Residential Tenancy Act (RTA) ☐ Manufactured Home Park Tenancy Act (MHPTA)

unit/site s.22	street address 50 W. CORDOVA ST.	city VANCOUVER	province B.C.	postal code V6B 1C9
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☐ Yes, SCHEDULE OF PARTIES (#RTO-26) was used to add additional parties to this application and is attached.

An arbitrator has the authority to make decisions regarding the types of disputes listed below. Provide the code(s) [see page 2] and the particulars of the claim you are seeking in the space provided. Attach a separate page if extra space is needed.

CODE	ORDER or DECISION REQUESTED (including itemized monetary amounts where applicable)
NR	ORDER TO END TENANCY FOR NON PAYMENT OF RENT
OP	I REQUEST AN ORDER OF POSSESSION BASED ON THE NOTICE THAT WAS SERVED ON 6/9/06 BY HAND
MN	I REQUEST A MONETARY AWARD IN THE TOTAL AMOUNT OF \$900.00 - \$100.00 FOR AUG, \$400.00 FOR SEPT, \$400.00 FOR OCT
SD	I REQUEST AN ORDER ALLOWING ME TO RETAIN THE SECURITY DEPOSIT OF \$200.00 PLUS INTEREST IN THE PARTIAL SATISFACTION OF THE ABOVE CLAIM.

☐ The order or decision requested is continued on a separate page and attached.

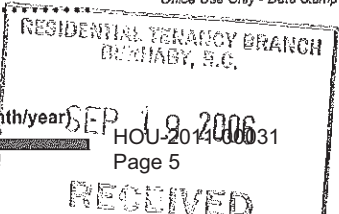
☒ YES ☐ NO I am requesting that the arbitrator order recovery of my filing fee from the Respondent.

Office Use Only - Date Stamp

I, the Applicant or Agent for the Applicant(s), apply to the Director, Residential Tenancy Office, for arbitration of this dispute. (signature required to commence arbitration)

SIGNATURE:

DATE: 19/9/06 (day/month/year)



HOW TO COMPLETE THIS FORM ELECTRONICALLY: If you are accessing this application form from the B.C. Government Web site, it can be printed and completed by hand (*print clearly, using dark ink*) or filled out while at the computer workstation—simply type your responses in the boxes. If you cannot complete all the sections at the computer right away, you can print off what you have completed and fill in the remaining fields by hand. Note, you **cannot save** the completed form to your computer, therefore, after you complete the form, make sure you review the form for accuracy and print the number of copies you require **before** you leave the document or shut down the program/computer.

IMPORTANT INFORMATION ... PLEASE READ:

This form is used to request arbitration in a dispute by either the landlord or the tenant. The information is collected under the Residential Tenancy Act (RTA) and the Manufactured Home Park Tenancy Act (MHPTA). Information collected on this form may be disclosed to the public in accordance with the Freedom of Information and Protection of Privacy Act. For further information on the collection, use and disclosure of this information, or for assistance with your application, contact the Residential Tenancy Office nearest you.

THIS APPLICATION MAY NOT BE ACCEPTED IF THE APPLICANT HAS FEES OUTSTANDING WITH THE RESIDENTIAL TENANCY OFFICE.

PROCESS and NOTICE (*it is the responsibility of the Applicant to notify the Respondent*):

1. You may complete this application on your own or seek the assistance of an agent or advocate. (See RTO Fact Sheet, "How to Fill in an Application for Arbitration" – #RTO-122). A Residential Tenancy Office Information Officer will review the application to ensure it is complete. The completed Application for Arbitration must be filed, **in person**, at one of the following Residential Tenancy Offices:

BURNABY: 400 - 5021 Kingsway Avenue

VICTORIA: 1st Floor, 1019 Wharf Street

INTERIOR AND NORTH: 101 - 2141 Springfield Road, Kelowna.

NOTE: If there is no Residential Tenancy Office in your area, you can file your application at any **Government Agents Office/**

BC Access Centre (To locate a Government Agents Office near you, call Enquiry BC 1 800 663-7867)

2. Once the application is completed, it must be processed by the Residential Tenancy Office (RTO) or Government Agent. The fee to file this application, as established under the RTA and the MHPTA, must be paid at the time of application, and may be paid in cash, debit card, or by cheque (identification is required, cheque must have current address encoded). An administration fee will be charged for returned cheques. Make cheque payable to the Minister of Finance.
3. **Do not** give the Respondent(s) a copy until your application has been processed by the Residential Tenancy Office.
4. The Applicant will be given an **Arbitration Hearing Package** prepared by the RTO for each named Respondent. The Applicant must serve the **Arbitration Hearing Package** to each Respondent named on the application within 3 days of the application being processed by the RTO.

CODE APPLICATION FOR ...

AN	AMEND FORM OF NOTICE - Correction to notice given or determination that adequate notice given.
AS	ASSIGN AND/OR SUBLET - An order that a tenant may assign or sublet a tenancy agreement, where it is determined that consent has been unreasonably withheld.
CM	COMPENSATION FOR MOVE - An order regarding the provision of compensation for moving costs.
ER	EMERGENCY REPAIR - An order regarding the reimbursement of costs for emergency repairs.
ET	EARLY END OF TENANCY - An order for the early end of tenancy and an order of possession for a landlord.
LA	LOCKS AND ACCESS - An order permitting or prohibiting the change of locks or other means of access to the rental unit, residential property, manufactured home park, or common areas of the residential property or manufactured home park by a landlord or tenant; an order regarding the change of locks at the beginning of a tenancy; an order setting conditions regarding or suspending the landlord's entry into the rental unit or to a manufactured home site; or an order prohibiting the landlord from restricting access to the residential property or manufactured home park by the tenant, the tenant's guests, or a candidate seeking election to office, or by his or her authorized representative.
MN	MONETARY - An order for a landlord or tenant to pay an amount in satisfaction of a claim for debt or damages against the other in respect of a right or obligation under the RTA or the MHPTA or a tenancy agreement.
NC	NOTICE TO END FOR CAUSE - An order setting aside a notice to end a tenancy given for cause, and/or in exceptional circumstances, extending the time in which the application for such an order may be made.
NE	NOTICE TO END FOR END OF EMPLOYMENT - An order setting aside a notice to end a tenancy given for end of employment and/or in exceptional circumstances, extending the time in which the application for such an order may be made.
NL	NOTICE TO END FOR LANDLORD'S USE OF PROPERTY - An order setting aside a notice to end a tenancy given for landlord's use of property and/or in exceptional circumstances, extending the time in which the application for such an order may be made.
NR	NOTICE TO END FOR NON-PAYMENT OF RENT - An order setting aside a notice to end tenancy given for non-payment of rent and/or in exceptional circumstances extending the time in which an application for such an order may be made.
OC	ORDER TO COMPLY WITH AGREEMENT OR ACT - An order that a landlord or tenant comply with the RTA/MHPTA or a tenancy agreement, or an order that the RTA/MHPTA applies.
OP	ORDER FOR POSSESSION - An order of possession for a landlord or tenant.
PD	PET DEPOSIT - An order that a landlord retain or return some or all of the pet deposit plus interest.
PR	PROPERTY RETURN - An order for the return of personal property seized or received by the landlord contrary to the RTA/MHPTA or a tenancy agreement (unless the seizure is made under an order of the court or the authority of an enactment).
RI	RENT INCREASE - Landlord application for a rent increase - Tenant dispute of an invalid rent increase.
RP	REPAIR - An order regarding the decoration and repair of the residential premises, or the provision of a service or facility as required by law; or the payment of rent to be held in trust to cover the needed repair, or an order authorizing the tenant to deduct up to one month's rent for the cost of a repair, service, or facility.
RR	RENT REDUCTION - An order for a reduction in rent if the landlord fails to comply with a repair order.
SD	SECURITY DEPOSIT - An order that a landlord retain or return some or all of a security deposit plus interest.
SF	SERVICE OR FACILITY - An order that the charge for a service or facility or the value of a service or facility or its reduction in value is a rent increase.
SS	SUBSTITUTED SERVICE - An order for substituted service of any document required under the RTA/MHPTA.

FOR MORE INFORMATION . . . visit our Web site: www.rto.gov.bc.ca

OR call the Residential Tenancy Office at:

• In the Lower Mainland 604 660-1020 • elsewhere in B.C. call toll free: 1 800 665-8779

HOU-2011-00031

Page 6

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78.

between

STEPHEN MARSHALL & HOTEL BOURBON, Landlord(s),

Applicant(s)

and

s.22

Tenant(s),

Respondent(s)

Re: An application pursuant to sections 55 and 67 of the *Residential Tenancy Act* regarding the rental unit at:

s.22 **50 W. CORDOVA ST, VANCOUVER , British Columbia**

Date and place of hearing: October 27, 2006, Burnaby.

Appearances:

For the Landlord: Stephen Marshall

For the Tenant: s.22

DECISION AND REASONS

This was an application by the landlord for an order of possession and a monetary order. Based on the landlords' sworn evidence, I find that the tenants were served with an application for arbitration and notice of hearing on September 21st.


The tenants testified that they tried to void the notice within the five days however the landlord would not accept the money. The tenants further testified that they tried to pay the outstanding September rent with a cheque from s.22 work and that the landlord would not accept it. The landlord testified that it is not their practice to accept third party cheques and that he told the tenants to go to the bank and get cash. I find that the tenants have not voided the notice to end tenancy issued on September 6th.

I find that the tenants were served with a notice to end a residential tenancy for non-

payment of rent on September 6th. The tenants have not paid the outstanding rent nor has filed for arbitration to have the notice set aside. Therefore, the tenants are conclusively presumed to have accepted the end of tenancy date as reflected in the notice to end tenancy. I grant the landlord an order for possession effective October 31, 2006 at 1:00pm. This order may be filed in the Supreme Court and enforced as an order of that Court.

As for the monetary claim, I find that there is outstanding rent of \$225 for September, \$525 for October and the fee paid for this application totaling \$800. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated October 27, 2006.


A. MIHAILOVIC
Arbitrator

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78.

between

STEPHEN MARSHALL & HOTEL BOURBON, Landlord(s),

Applicant(s)

and

s.22

Tenant(s),

Respondent(s)

Re: An application pursuant to sections 55 and 67 of the *Residential Tenancy Act* regarding the rental unit at:

s.22

50 W. CORDOVA ST, VANCOUVER , British Columbia

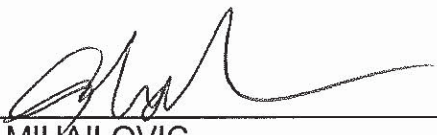
Date and place of hearing: October 27, 2006, Burnaby.

ORDER

I AUTHORIZE AND COMMAND YOU^{s.22}

Tenant(s) to deliver full and peaceable vacant possession and occupation of the above noted rental unit to **STEPHEN MARSHALL & HOTEL BOURBON, Landlord(s)** not later than **October 31, 2006 at 1:00pm.**

Dated October 27, 2006.



A. MIHAILOVIC
Arbitrator

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78.

between

STEPHEN MARSHALL & HOTEL BOURBON, Landlord(s),

Applicant(s)

and

s.22

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s.22 **.50 W. CORDOVA ST, VANCOUVER , British Columbia**

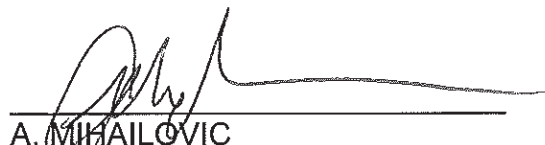
Date and place of hearing: October 27, 2006, Burnaby.

ORDER

I DO HEREBY ORDER, pursuant to section 67 of the *Residential Tenancy Act*, that the respondent(s),^{s.22} pay to the applicant(s),

STEPHEN MARSHALL & HOTEL BOURBON, the sum of **\$800.00**.

Dated October 27, 2006.


A. MIHAILOVIC
Arbitrator



Application for Arbitration

**IMPORTANT: BEFORE COMPLETING THIS FORM, PLEASE READ
INSTRUCTIONS AND PROCESS INFORMATION ON PAGE 2**

#RTO-12

FILE #: 187736

NOTES: • IF ADDITIONAL SPACE IS REQUIRED TO LIST ALL PARTIES, complete and attach Schedule of Parties (#RTO-26)
• IF THE FULL LEGAL NAME OF THE PARTY IS A BUSINESS NAME, enter the full legal business name in the field box labeled 'last name'.

A. APPLICANT(S) (person(s) asking for arbitration): ☐ Tenant ☒ Landlord

last name MARSHALL	first and middle name(s) STEPHEN
last name HOTEL BOURBON	first and middle name(s)

Address of Applicant(s) (current address for service of documents):

unit/site 50	street address W. CORDOVA ST.	city VANCOUVER	province B.C.	postal code V6B1C9
daytime phone number 604 687-5427	other phone number	fax number for service 604 408-9595		

B. RESPONDENT(S) (other party(s) to the arbitration): ☒ Tenant ☐ Landlord

last name	first and middle name(s)			
Address of Respondent(s) (current address for service of documents):				
unit/site	street address	city	province	postal code
daytime phone number	other phone number	fax number for service		

DISPUTE ADDRESS ☒ Residential Tenancy Act (RTA) ☐ Manufactured Home Park Tenancy Act (MHPTA)

unit/site	street address 50 W. CORDOVA ST.	city VANCOUVER	province B.C.	postal code V6B1C9
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☐ Yes, SCHEDULE OF PARTIES (#RTO-26) was used to add additional parties to this application and is attached.

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CODE	ORDER or DECISION REQUESTED (including itemized monetary amounts where applicable)
NR	ORDER TO END TENANCY FOR NON PAYMENT OF RENT
	NO SECURITY DEPOSIT PAID
OP	I REQUEST AN ORDER OF POSSESSION BASED ON THE NOTICE THAT WAS SERVED ON 6/9/06 BY HAND
MN	I REQUEST A MONETARY AWARD IN THE TOTAL AMOUNT OF \$850.00 - \$325.00 FOR SEPT, \$525.00 FOR OCT.

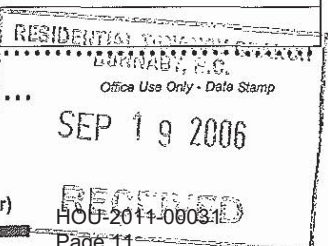
☐ The order or decision requested is continued on a separate page and attached.

☒ YES ☐ NO I am requesting that the arbitrator order recovery of my filing fee from the Respondent.

I, the Applicant or Agent for the Applicant(s), apply to the Director, Residential Tenancy Office, for arbitration of this dispute. (signature required to commence arbitration)

SIGNATURE:

DATE: 09, 9, 06 (day/month/year)



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INTERIOR AND NORTH: 101 - 2141 Springfield Road, Kelowna.
NOTE: If there is no Residential Tenancy Office in your area, you can file your application at any Government Agents Office/ BC Access Centre (To locate a Government Agents Office near you, call Enquiry BC 1 800 663-7867)
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MN	MONETARY - An order for a landlord or tenant to pay an amount in satisfaction of a claim for debt or damages against the other in respect of a right or obligation under the RTA or the MHPTA or a tenancy agreement.
NC	NOTICE TO END FOR CAUSE - An order setting aside a notice to end a tenancy given for cause, and/or in exceptional circumstances, extending the time in which the application for such an order may be made.
NE	NOTICE TO END FOR END OF EMPLOYMENT - An order setting aside a notice to end a tenancy given for end of employment and/or in exceptional circumstances, extending the time in which the application for such an order may be made.
NL	NOTICE TO END FOR LANDLORD'S USE OF PROPERTY - An order setting aside a notice to end a tenancy given for landlord's use of property and/or in exceptional circumstances, extending the time in which the application for such an order may be made.
NR	NOTICE TO END FOR NON-PAYMENT OF RENT - An order setting aside a notice to end tenancy given for non-payment of rent and/or in exceptional circumstances extending the time in which an application for such an order may be made.
OC	ORDER TO COMPLY WITH AGREEMENT OR ACT - An order that a landlord or tenant comply with the RTA/MHPTA or a tenancy agreement, or an order that the RTA/MHPTA applies.
OP	ORDER FOR POSSESSION - An order of possession for a landlord or tenant.
PD	PET DEPOSIT - An order that a landlord retain or return some or all of the pet deposit plus interest.
PR	PROPERTY RETURN - An order for the return of personal property seized or received by the landlord contrary to the RTA/MHPTA or a tenancy agreement (unless the seizure is made under an order of the court or the authority of an enactment).
RI	RENT INCREASE - Landlord application for a rent increase - Tenant dispute of an invalid rent increase.
RP	REPAIR - An order regarding the decoration and repair of the residential premises, or the provision of a service or facility as required by law; or the payment of rent to be held in trust to cover the needed repair, or an order authorizing the tenant to deduct up to one month's rent for the cost of a repair, service, or facility.
RR	RENT REDUCTION - An order for a reduction in rent if the landlord fails to comply with a repair order.
SD	SECURITY DEPOSIT - An order that a landlord retain or return some or all of a security deposit plus interest.
SF	SERVICE OR FACILITY - An order that the charge for a service or facility or the value of a service or facility or its reduction in value is a rent increase.
SS	SUBSTITUTED SERVICE - An order for substituted service of any document required under the RTA/MHPTA.

FOR MORE INFORMATION . . . visit our Web site: www.rto.gov.bc.ca

OR call the Residential Tenancy Office at:

• In the Lower Mainland 604 660-1020 • elsewhere in B.C. call toll free: 1 800 665-8779

HOU-2011-00031

Page 12



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

File No: 730143

In the matter of the *Residential Tenancy Act*, SBC 2002,c.78., as amended

Between **The Bourbon/Hildon Hotel (Landlord)**

Applicant(s)

And ^{s.22} **(Tenant)**

Respondent(s)

Regarding a rental unit at: ^{s.22} **- 50 West Cordova Street, Vancouver, BC**

Date of Hearing: February 25, 2009, by conference call

ORDER

I DO HEREBY ORDER, pursuant to section 67 of the *Residential Tenancy Act*, that the respondent(s), ^{s.22} pay to the applicant(s), **The Bourbon/Hildon Hotel**, the sum of **\$2245.47**.

February 25, 2009



J.L. Kernaghan
Dispute Resolution Officer



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

File No: 730143

In the matter of the *Residential Tenancy Act*, SBC 2002,c.78., as amended

Between **The Bourbon/Hildon Hotel (Landlord)**

Applicant(s)

And s.22 **(Tenant)**

Respondent(s)

Regarding a rental unit at: s.22 - **50 West Cordova Street, Vancouver, BC**

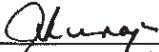
Date of Hearing: February 25, 2009, by conference call

ORDER

I AUTHORIZE AND COMMAND YOU, s.22 Tenant(s) to deliver full and peaceable vacant possession and occupation of the above noted rental unit to **The Bourbon/Hildon Hotel**, Landlord(s) not later than **two (2) days** after service of this order upon you.

I FURTHER ORDER, pursuant to section 72 that the tenant pay to the landlord the sum of \$50.00 representing the fee paid under section 59.

February 25, 2009



J.L. Kernaghan
Dispute Resolution Officer



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

File No: 730143

In the matter of the *Residential Tenancy Act*, SBC 2002,c.78., as amended

Between **The Bourbon/Hildon Hotel (Landlord)**

Applicant(s)

And **s.22 (Tenant)**

Respondent(s)

Regarding a rental unit at: s.22 - **50 West Cordova Street, Vancouver, BC**

Date of Hearing: February 25, 2009, by conference call

Date of Decision: February 25, 2009

Attending:

For the Landlord: Paul Roberts, General Manager
Glenn Miller, Resident Manager

For the Tenant: No one



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: OPR, MNR, MNSD, FF

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order allowing retention of the security deposit in partial satisfaction of the claim. Although served with the Application for Dispute Resolution and Notice of Hearing by personal service the tenant did not appear.

Based on the testimony of the resident manager I find that the tenant was served with a Notice to End Tenancy for Non-payment of rent and did not file an application to dispute the Notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. Based on the above facts I find that the landlord is entitled to an order of possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord has established a total monetary claim of \$2450.00 comprised of arrears of rent in the amount of \$2400.00 and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the deposit and interest of \$204.53 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2245.47. This order may be filed in the Small Claims Court and enforced as an order of that Court.

February 25, 2009



J.L. Kernaghan
Dispute Resolution Officer

Landlord's Application for Dispute Resolution

For RTB use only: File # 730143

- ☐ This application is being made under the *Manufactured Home Park Tenancy Act*
☒ This application is being made under the *Residential Tenancy Act*

Landlord(s) (Applicant(s): The person asking for dispute resolution)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

<u>THE BOUTERON / HILTON HOTEL</u>	
Last name or the full legal business name	First and middle names

Last name (if more than one landlord, also use form #RTB-26)

First and middle names

Applicant Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

<u>102</u>	<u>50 W. CORDOVA ST</u>	<u>VANCOUVER</u>	<u>BC</u>	<u>V6B 1C9</u>
Unit/site #	Street # and street name	City	Province	Postal Code
<u>604</u>	<u>687 5477</u>		<u>604</u>	<u>400 9595</u>
Daytime phone number	Other phone number		Fax number for document service	

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Applicants to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Applicant Address, and it is attached.

Dispute Address (address of the rental unit or manufactured home site)

s.22

<u>50 W. CORDOVA ST</u>	<u>VANCOUVER</u>	<u>BC</u>	<u>V6B 1C9</u>	
Unit/site #	Street # and street name	City	Province	Postal Code

Tenant(s) (Respondent(s): The other party to the dispute)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

s.22

<u></u>	<u></u>
Last name	First and middle names

Respondent Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

s.22

<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
Unit/site #	Street # and street name	City	Province	Postal Code
<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
Daytime phone number	Other phone number	Fax number for document service		

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Respondents to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Respondent Address, and it is attached.

TO FILE THIS APPLICATION:

- On this page, fill in the information boxes.
- On page 2, check the boxes that apply to your request, provide details and sign at the bottom.
- Submit your application in-person at:
 - RTB Burnaby: 400 – 5021 Kingsway Avenue
 - RTB Kelowna: 101-2141 Springfield Road
 - RTB Victoria: 1st floor, 1019 Wharf Street
 - Any Service BC-Government Agents Office
- Applications may also be submitted online at www.rto.gov.bc.ca.
- Do not give a copy of your Application to the Respondent(s) until the Residential Tenancy Branch accepts it and you have paid the application fee or obtained a fee waiver.

RESIDENTIAL TENANCY BRANCH BURNABY, B.C. JAN 15 2008 RECEIVED 28 RTB use only – date stamp & initial
--

Office of Housing and Construction Standards

Residential Tenancy Branch
Lower Mainland: 604-660-1020 Victoria: 250-387-1602 Elsewhere in BC: 1-800-665-8779
Website: www.rto.gov.bc.ca

HOU-2011-00031
Page 17



For RTB use only: File # 730143**Nature of the Dispute****Ending tenancy**, and seeking an Order of Possession:**Notice to End Tenancy**

When the dispute involves a *Notice to End Tenancy*, the *Notice to End Tenancy* must be given to the tenant before applying for Dispute Resolution **and** the *Notice to End Tenancy* must be submitted to the Residential Tenancy Branch.

Date the *Notice to End Tenancy* referred to in this Application was served: Dec 01/08How was it served? By HAND**Reason for ending tenancy:**

- ☐ Employment with landlord has ended OPE
☒ The tenant has not paid rent or utilities OPR
☐ The landlord wants the unit or property for another use OPL
☐ The landlord has cause, as described in the Act, regulation (state section in the 'Details of the Dispute' box below), or tenancy agreement (provide a copy) OPC
☐ The tenant does not qualify for subsidized housing OPQ
☐ The tenant has breached an agreement with the landlord (provide a copy of agreement) OPB

Monetary Order:

- ☐ For damage to the unit, site or property MND
☒ For unpaid rent or utilities MNR
☐ To keep all or part of pet damage deposit or security deposit MNSD
☐ For money owed or compensation for damage or loss under the Act, regulation or tenancy agreement MNDC

The request for a Monetary Order is for the following amount:

Provide a detailed calculation of the amount in the 'Details of the Dispute' box below.

\$1600**Other**

- ☐ Recover filing fee from the tenant for the cost of this application FF
☐ Serve documents or evidence in a different way than required by the Act SS
☐ End Tenancy Early **and** obtain an Order of Possession ET
☐ Other (provide details in the 'Details of the Dispute' box below) O

Details of the Dispute

In two or three sentences, describe the issue. Include any dates, times, people or other information that says who, what, where and when the issue arose or the event occurred. When you are asking for a Monetary Order, include a detailed calculation. Attach a separate sheet if necessary. Any additional sheets must be signed.

s.22

HAD NOT PAID RENT AUG 08. SEVERAL EVICTION
NOTICES HAVE BEEN ISSUED AND IGNORED.

Signature: [Signature] Date: JAN 14/09Print name: PAUL ROBERTS



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

File No: 730142

In the matter of the *Residential Tenancy Act*, SBC 2002,c.78., as amended

Between **The Bourbon/Hildon Hotel (Landlord)**

Applicant(s)

And ^{s.22} **(Tenant)**

Respondent(s)

Regarding a rental unit at: ^{s.22} **- 50 West Cordova Street, Vancouver, BC**

Date of Hearing: February 25, 2009, by conference call

Date of Decision: February 25, 2009

Attending:

For the Landlord: Paul Roberts, General Manager
Glenn Miller, Resident Manager

For the Tenant: No one



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

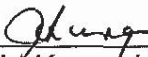
Dispute Codes: OPR, MNR, FF

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Although served with the Application for Dispute Resolution and Notice of Hearing by personal service the tenant did not appear.

Based on the testimony of the resident manager I find that the tenant was served with a Notice to End Tenancy for Non-payment of rent and did not file an application to dispute the Notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. Based on the above facts I find that the landlord is entitled to an order of possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord has established a total monetary claim of \$3350.00 comprised of arrears of rent in the amount of \$3300.00 and the \$50.00 fee paid by the landlord for this application. This order may be filed in the Small Claims Court and enforced as an order of that Court.

February 25, 2009



J.L. Kernaghan
Dispute Resolution Officer



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

File No: 730142

In the matter of the *Residential Tenancy Act*, SBC 2002, c.78., as amended

Between **The Bourbon/Hildon Hotel (Landlord)**

Applicant(s)

And ^{s.22} **(Tenant)**

Respondent(s)


Regarding a rental unit at: ^{s.22} - **50 West Cordova Street, Vancouver, BC**

Date of Hearing: February 25, 2009, by conference call

ORDER

I DO HEREBY ORDER, pursuant to section 67 of the *Residential Tenancy Act*, that the respondent(s)^{s.22} pay to the applicant(s), **The Bourbon/Hildon Hotel**, the sum of **\$3350.00**.

February 25, 2009



J.L. Kernaghan
Dispute Resolution Officer



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

File No: 730142

In the matter of the *Residential Tenancy Act*, SBC 2002,c.78., as amended

Between **The Bourbon/Hildon Hotel (Landlord)**

Applicant(s)

s.22

And **(Tenant)**

Respondent(s)

Regarding a rental unit at:^{s.22} - **50 West Cordova Street, Vancouver, BC**

Date of Hearing: February 25, 2009, by conference call

ORDER

I AUTHORIZE AND COMMAND YOU,^{s.22} Tenant(s) to deliver full and peaceable vacant possession and occupation of the above noted rental unit to **The Bourbon/Hildon Hotel** , Landlord(s) not later than **two (2) days** after service of this order upon you.

I FURTHER ORDER, pursuant to section 72 that the tenant pay to the landlord the sum of \$50.00 representing the fee paid under section 59.

February 25, 2009



J.L. Kernaghan
Dispute Resolution Officer

For RTB use only: File # 730142

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

Last name or the full legal business name

First and middle names

Last name (if more than one landlord, also use form #RTB-26)

First and middle names

Applicant Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

102	50 W. Cordova St	Vancouver	BC	V6R 1C9
Unit/site #	Street # and street name	City	Province	Postal Code

Other phone number	

604	408 9595
Fax number for document service	

	Yes, a Schedule of Parties (#RTB-26) is being used to add more Applicants to this application and it is attached.
	Yes, the Mailing Address is different from the Applicant Address, and it is attached.

Dispute Address (address of the rental unit or manufactured home site)

s.22	50 W. LODOVA ST	VANCOUVER	BC	V6B 1K9
Unit/site #	Street # and street name	City	Province	Postal Code

Tenant(s) (Respondent(s): The other party to the dispute)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

s.22

Last name

First and middle names

Respondent Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mail)

Unit/site #	Street # and street name	City	Province	Postal Code
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Daytime phone number	Other phone number	Fax number for document service		
<input type="text"/>	<input type="text"/>	<input type="text"/>		

<input type="checkbox"/>	Yes, a Schedule of Parties (#RTB-26) is being used to add more Respondents to this application and it is attached.
<input type="checkbox"/>	Yes, the Mailing Address is different from the Respondent Address, and it is attached.

1. On this page, fill in the information boxes.
2. On page 2, check the boxes that apply to your request, provide details and sign at the bottom.
3. Submit your application in-person at:

- RTB Burnaby: 400 – 5021 Kingsway Avenue
- RTB Kelowna: 101-2141 Springfield Road
- RTB Victoria: 1st floor, 1019 Wharf Street
- Any Service BC-Government Agents Office
- Applications may also be submitted online at www.rto.gov.bc.ca.
- Do not give a copy of your Application to the Respondent(s) until the Residential Tenancy Branch accepts it and you have paid the application fee or obtained a fee waiver.

JAN 15 2008

RECEIVED
TB use only - date stamp &
#101

Residential Tenancy Branch
Lower Mainland: 604-660-1020 Victoria: 250-387-1602 Elsewhere in BC: 1-800-665-8779
Website: www.rto.gov.bc.ca

HOU-2011-00031
Page 23



For RTB use only: File # 730142.**Nature of the Dispute****Ending tenancy**, and seeking an Order of Possession:**Notice to End Tenancy**

When the dispute involves a *Notice to End Tenancy*, the *Notice to End Tenancy* must be given to the tenant before applying for Dispute Resolution **and** the *Notice to End Tenancy* must be submitted to the Residential Tenancy Branch.

Date the *Notice to End Tenancy* referred to in this Application was served: JAN 06 / 09How was it served? By HAND**Reason for ending tenancy:**

- ☐ Employment with landlord has ended OPE
☒ The tenant has not paid rent or utilities OPR
☐ The landlord wants the unit or property for another use OPL
☐ The landlord has cause, as described in the Act, regulation (state section in the 'Details of the Dispute' box below), or tenancy agreement (provide a copy) OPC
☐ The tenant does not qualify for subsidized housing OPQ
☐ The tenant has breached an agreement with the landlord (provide a copy of agreement) OPB

Monetary Order:

- ☐ For damage to the unit, site or property MND
☒ For unpaid rent or utilities MNR
☐ To keep all or part of pet damage deposit or security deposit MNDS
☐ For money owed or compensation for damage or loss under the Act, regulation or tenancy agreement MNDC

The request for a Monetary Order is for the following amount:

Provide a detailed calculation of the amount in the 'Details of the Dispute' box below.

\$ 2450

Other

- ☒ Recover filing fee from the tenant for the cost of this application FF
☐ Serve documents or evidence in a different way than required by the Act SS
☐ End Tenancy Early **and** obtain an Order of Possession ET
☐ Other (provide details in the 'Details of the Dispute' box below) O

Details of the Dispute

In two or three sentences, describe the issue. Include any dates, times, people or other information that says who, what, where and when the issue arose or the event occurred. When you are asking for a Monetary Order, include a detailed calculation. Attach a separate sheet if necessary. Any additional sheets must be signed.

s.22

HAS REFUSED TO PAY RENT SINCE AUG 08.Signature: [Signature] Date: JAN 14 / 09Print name: PAUL ROBERTS



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

File No: 730141

In the matter of the *Residential Tenancy Act*, SBC 2002,c.78., as amended

Between **The Bourbon/Hildon Hotel (Landlord)**

Applicant(s)

And ^{s.22} **(Tenant)**

Respondent(s)

Regarding a rental unit at: ^{s.22} **- 50 West Cordova Street, Vancouver, BC**

Date of Hearing: February 25, 2009, by conference call

ORDER

I DO HEREBY ORDER, pursuant to section 67 of the *Residential Tenancy Act*, that the respondent(s) ^{s.22} pay to the applicant(s), **The Bourbon/Hildon Hotel**, the sum of **\$2809.31**.

February 25, 2009

J.L. Kernaghan
Dispute Resolution Officer



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

File No: 730141

In the matter of the *Residential Tenancy Act*, SBC 2002, c.78., as amended

Between **The Bourbon/Hildon Hotel (Landlord)**

Applicant(s)

And

s.22

(Tenant)

Respondent(s)

Regarding a rental unit at: s.22 **50 West Cordova Street, Vancouver, BC**

Date of Hearing: February 25, 2009, by conference call

ORDER

I AUTHORIZE AND COMMAND YOU, s.22 , Tenant(s) to deliver full and peaceable vacant possession and occupation of the above noted rental unit to **The Bourbon/Hildon Hotel** , Landlord(s) not later than **two (2) days** after service of this order upon you.

I FURTHER ORDER, pursuant to section 72 that the tenant pay to the landlord the sum of \$50.00 representing the fee paid under section 59.

February 25, 2009



J.L. Kernaghan
Dispute Resolution Officer



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

File No: 730141

In the matter of the *Residential Tenancy Act*, SBC 2002,c.78., as amended

Between **The Bourbon/Hildon Hotel (Landlord)**

Applicant(s)

And ^{s.22} **(Tenant)**

Respondent(s)

Regarding a rental unit at: ^{s.22} - **50 West Cordova Street, Vancouver, BC**

Date of Hearing: February 25, 2009, by conference call

Date of Decision: February 25, 2009

Attending:

For the Landlord: Paul Roberts, General Manager
Glenn Miller, Resident Manager

For the Tenant: No one



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: OPR, MNR, MNSD, FF

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order allowing retention of the security deposit in partial satisfaction of the claim. Although served with the Application for Dispute Resolution and Notice of Hearing by personal service the tenant did not appear.

Based on the testimony of the resident manager I find that the tenant was served with a Notice to End Tenancy for Non-payment of rent and did not file an application to dispute the Notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. Based on the above facts I find that the landlord is entitled to an order of possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord has established a total monetary claim of \$3025.00 comprised of arrears of rent in the amount of \$2975.00 and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the deposit and interest of \$215.69 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2809.31. This order may be filed in the Small Claims Court and enforced as an order of that Court.

February 25, 2009



J.L. Kernaghan
Dispute Resolution Officer

Landlord's Application for Dispute Resolution

For RTB use only: File # 730141

- ☐ This application is being made under the *Manufactured Home Park Tenancy Act*
☒ This application is being made under the *Residential Tenancy Act*

Landlord(s) (Applicant(s): The person asking for dispute resolution)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

THE BOOZER/HILTON HOTEL
Last name or the full legal business name

First and middle names

First and middle names

Last name (if more than one landlord, also use form #RTB-26)

Applicant Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

102 50 W. CORDOVA ST VANCOUVER BC V6B 1C9
Unit/site # Street # and street name City Province Postal Code

604 687 5427 604 408 9595
Daytime phone number Other phone number Fax number for document service

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Applicants to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Applicant Address, and it is attached.

Dispute Address (address of the rental unit or manufactured home site)

50 W. CORDOVA ST VANCOUVER BC V6B 1C9
Unit/site # Street # and street name City Province Postal Code

Tenant(s) (Respondent(s): The other party to the dispute)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

s.22

Last name First and middle names

Last name First and middle names

Respondent Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mail)

s.22

Unit/site # Street # and street name City Province Postal Code

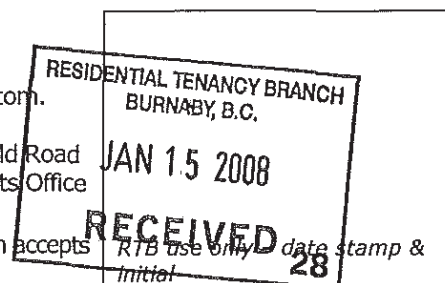
604 687 5427 604 408 9595
Daytime phone number Other phone number Fax number for document service

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Respondents to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Respondent Address, and it is attached.

TO FILE THIS APPLICATION:

- On this page, fill in the information boxes.
- On page 2, check the boxes that apply to your request, provide details and sign at the bottom.
- Submit your application in-person at:

- RTB Burnaby: 400 – 5021 Kingsway Avenue
 - RTB Kelowna: 101–2141 Springfield Road
 - RTB Victoria: 1st floor, 1019 Wharf Street
 - Any Service BC-Government Agents Office
- Applications may also be submitted online at www.rto.gov.bc.ca.
- Do not give a copy of your Application to the Respondent(s) until the Residential Tenancy Branch accepts it and you have paid the application fee or obtained a fee waiver.



Office of Housing and Construction Standards

Residential Tenancy Branch

Lower Mainland: 604-660-1020 Victoria: 250-387-1602 Elsewhere in BC: 1-800-665-8779

Website: www.rto.gov.bc.ca

HOU-2011-00031
Page 29



For RTB use only: File # 730141**Nature of the Dispute****Ending tenancy**, and seeking an Order of Possession:**Notice to End Tenancy**

When the dispute involves a *Notice to End Tenancy*, the *Notice to End Tenancy* must be given to the tenant before applying for Dispute Resolution **and** the *Notice to End Tenancy* must be submitted to the Residential Tenancy Branch.

Date the *Notice to End Tenancy* referred to in this Application was served: JAN 06/09How was it served? By HAND**Reason for ending tenancy:**

- ☐ Employment with landlord has ended OPE
☒ The tenant has not paid rent or utilities OPR
☐ The landlord wants the unit or property for another use OPL
☐ The landlord has cause, as described in the Act, regulation (state section in the 'Details of the Dispute' box below), or tenancy agreement (provide a copy) OPC
☐ The tenant does not qualify for subsidized housing OPQ
☐ The tenant has breached an agreement with the landlord (provide a copy of agreement) OPB

Monetary Order:

- ☐ For damage to the unit, site or property MND
☒ For unpaid rent or utilities MNR
☐ To keep all or part of pet damage deposit or security deposit MNDS
☐ For money owed or compensation for damage or loss under the Act, regulation or tenancy agreement MNDC

The request for a Monetary Order is for the following amount:

Provide a detailed calculation of the amount in the 'Details of the Dispute' box below.

\$ 1700**Other**

- ☐ Recover filing fee from the tenant for the cost of this application FF
☐ Serve documents or evidence in a different way than required by the Act SS
☐ End Tenancy Early **and** obtain an Order of Possession ET
☐ Other (provide details in the 'Details of the Dispute' box below) O

Details of the Dispute

In two or three sentences, describe the issue. Include any dates, times, people or other information that says who, what, where and when the issue arose or the event occurred. When you are asking for a Monetary Order, include a detailed calculation. Attach a separate sheet if necessary. Any additional sheets must be signed.

s.22

HAS NOT PAID RENT SINCE AUGUST 08. HAS BEEN ISSUED SEVERAL NOTICES AND IGNORES EACH ONE.

Signature: [Signature] Date: JAN 14/09Print name: PAUL ROBERTS



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

File No: 730140

In the matter of the *Residential Tenancy Act*, SBC 2002,c.78., as amended

Between **The Bourbon/Hildon Hotel (Landlord)**

Applicant(s)

And ^{s.22} **(Tenant)**

Respondent(s)

Regarding a rental unit at: ^{s.22} **50 West Cordova Street, Vancouver, BC**

Date of Hearing: February 24, 2009, by conference call

ORDER

I DO HEREBY ORDER, pursuant to section 67 of the *Residential Tenancy Act*, that the respondent(s),^{s.22} pay to the applicant(s), **The Bourbon/Hildon Hotel**, the sum of **\$912.00**.

February 24, 2009

J.L. Kernaghan
Dispute Resolution Officer



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

File No: 730140

In the matter of the *Residential Tenancy Act*, SBC 2002,c.78., as amended

Between **The Bourbon/Hildon Hotel (Landlord)**

Applicant(s)

And

s.22

(Tenant)

Respondent(s)

Regarding a rental unit at: ^{s.22} - **50 West Cordova Street, Vancouver, BC**

Date of Hearing: February 24, 2009, by conference call

ORDER

I AUTHORIZE AND COMMAND YOU, ^{s.22} Tenant(s) to deliver full and peaceable vacant possession and occupation of the above noted rental unit to **The Bourbon/Hildon Hotel**, Landlord(s) not later than **February 28, 2009**.

I FURTHER ORDER, pursuant to section 72 that the tenant(s) pay to the landlord the sum of \$50.00 representing the fee paid under section 59.

February 24, 2009



J.L. Kernaghan
Dispute Resolution Officer



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

File No: 730140

In the matter of the *Residential Tenancy Act*, SBC 2002,c.78., as amended

Between **The Bourbon/Hildon Hotel (Landlord)**

Applicant(s)

And ^{s.22} **(Tenant)**

Respondent(s)

Regarding a rental unit at: ^{s.22} - **50 West Cordova Street, Vancouver, BC**

Date of Hearing: February 24, 2009, by conference call

Date of Decision: February 24, 2009

Attending:

For the Landlord: Paul Roberts, General Manager

For the Tenant: ^{s.22}

Landlord's Application for Dispute Resolution

For RTB use only: File # 730140

- ☐ This application is being made under the *Manufactured Home Park Tenancy Act*
☒ This application is being made under the *Residential Tenancy Act*

Landlord(s) (Applicant(s): The person asking for dispute resolution)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

THE BUTTERBOW/HUDON HOTEL

Last name or the full legal business name

First and middle names

Last name (if more than one landlord, also use form #RTB-26)

First and middle names

Applicant Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

102

Unit/site #

50 W. CORDOVA ST

Street # and street name

VANCOUVER

City

BC

Province

V6B 1C9

Postal Code

604 687 5427

Daytime phone number

Other phone number

604 408 9595

Fax number for document service

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Applicants to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Applicant Address, and it is attached.

Dispute Address (address of the rental unit or manufactured home site)

s.22

Unit/site #

50 W. CORDOVA ST

Street # and street name

VANCOUVER

City

BC

Province

V6B 1C9

Postal Code

Tenant(s) (Respondent(s): The other party to the dispute)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

s.22

Last name

Last name

First and middle names

First and middle names

Respondent Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

s.22

Unit/site #

Street # and street name

City

Province

Postal Code

Daytime phone number

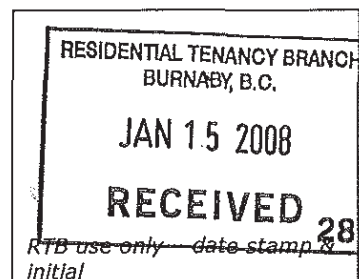
Other phone number

Fax number for document service

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Respondents to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Respondent Address, and it is attached.

TO FILE THIS APPLICATION:

- On this page, fill in the information boxes.
- On page 2, check the boxes that apply to your request, provide details and sign at the bottom.
- Submit your application in-person at:
 - RTB Burnaby: 400 – 5021 Kingsway Avenue
 - RTB Kelowna: 101–2141 Springfield Road
 - RTB Victoria: 1st floor, 1019 Wharf Street
 - Any Service BC-Government Agents Office
- Applications may also be submitted online at www.rto.gov.bc.ca.
- Do not give a copy of your Application to the Respondent(s) until the Residential Tenancy Branch accepts it and you have paid the application fee or obtained a fee waiver.



Office of Housing and Construction Standards

Residential Tenancy Branch

Lower Mainland: 604-660-1020 Victoria: 250-387-1602 Elsewhere in BC: 1-800-665-8779

Website: www.rto.gov.bc.ca

HOU-2011-00031
Page 34



For RTB use only: File # 730140

Nature of the Dispute

Ending tenancy, and seeking an Order of Possession:

Notice to End Tenancy

When the dispute involves a *Notice to End Tenancy*, the *Notice to End Tenancy* must be given to the tenant before applying for Dispute Resolution **and** the *Notice to End Tenancy* must be submitted to the Residential Tenancy Branch.

Date the *Notice to End Tenancy* referred to in this Application was served: Nov 26 /08

How was it served? By HAND

Reason for ending tenancy:

- ☐ Employment with landlord has ended OPE
- ☒ The tenant has not paid rent or utilities OPR
- ☐ The landlord wants the unit or property for another use OPL
- ☐ The landlord has cause, as described in the Act, regulation (state section in the 'Details of the Dispute' box below), or tenancy agreement (provide a copy) OPC
- ☐ The tenant does not qualify for subsidized housing OPQ
- ☐ The tenant has breached an agreement with the landlord (provide a copy of agreement) OPB

Monetary Order:

- ☐ For damage to the unit, site or property MND
- ☒ For unpaid rent or utilities MNR
- ☒ To keep all or part of pet damage deposit or security deposit MNDS
- ☐ For money owed or compensation for damage or loss under the Act, regulation or tenancy agreement MNDC

The request for a Monetary Order is for the following amount:

Provide a detailed calculation of the amount in the 'Details of the Dispute' box below.

\$ ~~431.00~~
431.00 (M)

Other

- ☒ Recover filing fee from the tenant for the cost of this application FF
- ☐ Serve documents or evidence in a different way than required by the Act SS
- ☐ End Tenancy Early **and** obtain an Order of Possession ET
- ☐ Other (provide details in the 'Details of the Dispute' box below) O

Details of the Dispute

In two or three sentences, describe the issue. Include any dates, times, people or other information that says who, what, where and when the issue arose or the event occurred. When you are asking for a Monetary Order, include a detailed calculation. Attach a separate sheet if necessary. Any additional sheets must be signed.

s.22

HAS NOT PAID DAMAGE DEPOSIT NOR RENT FOR

JAW.

Signature: [Signature] Date: JAN 13/09

Print name: PAUL ROBERTS



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

File No: 730139

In the matter of the *Residential Tenancy Act*, SBC 2002,c.78., as amended

Between **The Bourbon/Hildon Hotel (Landlord)**

Applicant(s)

And ^{s.22} **(Tenant)**

Respondent(s)

Regarding a rental unit at: ^{s.22} **- 50 West Cordova Street, Vancouver, BC**

Date of Hearing: February 24, 2009, by conference call

ORDER

I AUTHORIZE AND COMMAND YOU, ^{s.22} **Tenant(s)** to deliver full and peaceable vacant possession and occupation of the above noted rental unit to **The Bourbon/Hildon Hotel**, Landlord(s) not later than **two (2) days** after service of this order upon you.

I FURTHER ORDER, pursuant to section 72 that the tenant pay to the landlord the sum of \$50.00 representing the fee paid under section 59.

February 24, 2009



J.L. Kernaghan
Dispute Resolution Officer



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

File No: 730139

In the matter of the *Residential Tenancy Act*, SBC 2002,c.78., as amended

Between **The Bourbon/Hildon Hotel (Landlord)**

Applicant(s)

And s.22 (Tenant)

Respondent(s)

Regarding a rental unit at: s.22 **50 West Cordova Street, Vancouver, BC**

Date of Hearing: February 24, 2009, by conference call

Date of Decision: February 24, 2009

Attending:

For the Landlord: Paul Roberts, General Manager

For the Tenant: s.22



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

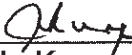
Dispute Codes: OPR, MNR, MNSD, FF

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order allowing retention of the security deposit in partial satisfaction of the claim. Both parties appeared and had an opportunity to be heard.

Based on the testimony of the resident manager and the tenant I find that the tenant was served with a Notice to End Tenancy for Non-payment of rent and did not file an application to dispute the Notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. Based on the above facts I find that the landlord is entitled to an order of possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord has established a total monetary claim of \$1387.00 comprised of arrears of rent in the amount of \$1337.00 and the \$50.00 fee paid by the landlord for this application. This order may be filed in the Small Claims Court and enforced as an order of that Court.

February 24, 2009



J.L. Kernaghan
Dispute Resolution Officer

Landlord's Application for Dispute Resolution

For RTB use only: File # 730139

- ☐ This application is being made under the *Manufactured Home Park Tenancy Act*
☒ This application is being made under the *Residential Tenancy Act*

Landlord(s) (Applicant(s): The person asking for dispute resolution)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

<u>THE BARROW / HINDON HOTEL</u>	
Last name or the full legal business name	First and middle names

Last name (if more than one landlord, also use form #RTB-26)

First and middle names

Applicant Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

<u>102</u>	<u>50 W COTACOUA ST</u>	<u>VANCOUVER</u>	<u>BC</u>	<u>V6B 1C9</u>
Unit/site #	Street # and street name	City	Province	Postal Code

<u>604</u>	<u>687 5427</u>		<u>604</u>	<u>408 9595</u>
Daytime phone number	Other phone number		Fax number for document service	

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Applicants to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Applicant Address, and it is attached.

Dispute Address (address of the rental unit or manufactured home site)

s.22

<u>50 W COTACOUA ST</u>	<u>VANCOUVER</u>	<u>BC</u>	<u>V6B 1C9</u>	
Unit/site #	Street # and street name	City	Province	Postal Code

Tenant(s) (Respondent(s): The other party to the dispute)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

s.22

Last name	First and middle names

Last name

First and middle names

Respondent Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mail)

s.22

<u>604</u>				
Unit/site #	Street # and street name	City	Province	Postal Code

Daytime phone number	Other phone number	Fax number for document service	

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Respondents to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Respondent Address, and it is attached.

TO FILE THIS APPLICATION:

- On this page, fill in the information boxes.
- On page 2, check the boxes that apply to your request, provide details and sign at the bottom.
- Submit your application in-person at:
 - RTB Burnaby: 400 – 5021 Kingsway Avenue
 - RTB Kelowna: 101-2141 Springfield Road
 - RTB Victoria: 1st floor, 1019 Wharf Street
 - Any Service BC-Government Agents Office
- Applications may also be submitted online at www.rto.gov.bc.ca.
- Do not give a copy of your Application to the Respondent(s) until the Residential Tenancy Branch accepts it and you have paid the application fee or obtained a fee waiver.

RESIDENTIAL TENANCY BRANCH BURNABY, B.C. JAN 15 2008 RECEIVED 28 RTB use only – date stamp & initial
--

Office of Housing and Construction Standards

Residential Tenancy Branch

Lower Mainland: 604-660-1020 Victoria: 250-387-1602 Elsewhere in BC: 1-800-665-8779

Website: www.rto.gov.bc.ca

HOU-2011-00051
Page 39



For RTB use only: File # 730139

Nature of the Dispute

Ending tenancy, and seeking an Order of Possession:

Notice to End Tenancy

When the dispute involves a *Notice to End Tenancy*, the *Notice to End Tenancy* must be given to the tenant before applying for Dispute Resolution **and** the *Notice to End Tenancy* must be submitted to the Residential Tenancy Branch.

Date the *Notice to End Tenancy* referred to in this Application was served: Nov 24 /08

How was it served? BY HAND

Reason for ending tenancy:

- ☐ Employment with landlord has ended OPE
- ☒ The tenant has not paid rent or utilities OPR
- ☐ The landlord wants the unit or property for another use OPL
- ☐ The landlord has cause, as described in the Act, regulation (state section in the 'Details of the Dispute' box below), or tenancy agreement (provide a copy) OPC
- ☐ The tenant does not qualify for subsidized housing OPQ
- ☐ The tenant has breached an agreement with the landlord (provide a copy of agreement) OPB

Monetary Order:

- ☐ For damage to the unit, site or property MND
- ☒ For unpaid rent or utilities MNR
- ☐ To keep all or part of pet damage deposit or security deposit MNSD
- ☐ For money owed or compensation for damage or loss under the Act, regulation or tenancy agreement MNDC

The request for a Monetary Order is for the following amount:

Provide a detailed calculation of the amount in the 'Details of the Dispute' box below.

\$ 910

Other

- ☒ Recover filing fee from the tenant for the cost of this application FF
- ☐ Serve documents or evidence in a different way than required by the Act SS
- ☐ End Tenancy Early **and** obtain an Order of Possession..... ET
- ☐ Other (provide details in the 'Details of the Dispute' box below) O

Details of the Dispute

In two or three sentences, describe the issue. Include any dates, times, people or other information that says who, what, where and when the issue arose or the event occurred. When you are asking for a Monetary Order, include a detailed calculation. Attach a separate sheet if necessary. Any additional sheets must be signed.

s.22

AS IN ATTACHED FOR A PORTION OF NOVEMBER
RENT s.22 DID NOT PAY WAS SERVED WITH A NOTICE ON NOV 24. s.22 DID
NOT PAY DEC RENT AND WAS SERVED WITH A 10 DAY EJECTION ON JAN 06.
s.22 HAS NOT LEFT AND HAS NOT PAID JAN'S RENT.

Signature: [Signature] Date: JAN 14/09

Print name: PAUL ROBERTS



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

File No: 750704

In the matter of the *Residential Tenancy Act*, SBC 2002, c.78., as amended

Between

s.22

Tenant

Applicant

And

The Hildon Hotel, Landlord

Respondent

Regarding a rental unit at: ^{s.22} **50 West Cordova Street, Vancouver, BC**

Date of Hearing: April 14, 2010, by conference call

Date of Decision: April 15, 2010

Attending:

For the Landlord: Paul Roberts, Agent for the Landlord
^{s.22}

For the Tenant: ^{s.22}

Decision

Dispute Codes: CNC

Introduction

This hearing dealt with an application by the tenant to cancel the landlord's notice to end tenancy for cause. Both parties attended the hearing and gave affirmed testimony. Further, both parties consented to amendment of the application to show the correct name of the landlord.

Issue to be decided

- Whether the tenant is entitled to the above under the Act

Background and Evidence

There is no written tenancy agreement in evidence for this tenancy which began several years ago. Monthly rent is paid directly to the landlord by the ministry, and rent is currently somewhere between \$446.95 and \$451.00. The tenant recalls that a security deposit was collected at the start of tenancy, however, ^{s.22} could not confirm the amount.

Specific incidents occurring on or about February 17 & 18, 2010, led to the landlord's issuance of a 1 month notice to end tenancy for cause dated February 18, 2010. A copy of the notice was submitted into evidence, and reasons shown for its issuance are as follows:

Tenant or a person permitted on the property by the tenant has:

significantly interfered with or unreasonably disturbed another occupant or the landlord

seriously jeopardized the health or safety or lawful right of another occupant or the landlord

The events leading to the issuance of the notice are documented in log form by^{s.22} who is employed by the landlord as a front desk clerk. The landlord's concern arises out of the tenant's conduct and behavior following^{s.22} denial of guest access to the unit. Specifically, the log describes challenging, threatening and verbally abusive behavior on the part of the tenant, particularly towards^{s.22} While another employee,^{s.22} was present to testify at the hearing, ^{s.22} had no direct involvement with the particular events leading to issuance of the notice. There were no other witnesses present or immediately available to testify at the time of the hearing.

Analysis

Section 47 of the Act addresses **Landlord's notice: cause**, and provides in part as follows:

47(1) A landlord may end a tenancy by giving notice to end the tenancy if one or more of the following applies:

(d) the tenant or a person permitted on the residential property by the tenant has

(i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,

(ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, or...

Based on the documentary evidence and testimony of the parties, I find that the tenant was served with a 1 month notice to end tenancy for cause dated February 18, 2010.

Section 47(4) of the Act provides that a tenant who receives a notice under section 47 of the Act, may dispute the notice by making an application for dispute resolution within "10 days after the date the tenant receives the notice." In the circumstances of this dispute, the tenant filed an application for dispute resolution on March 1, 2010, which I find is within 10 days of his receipt of the notice.

I note there have been occasions from time-to-time during the tenancy when tensions have existed between the parties. Incidents / complaints are documented as far back as a year or more, and include allegations of yelling, screaming, swearing, slamming of doors and so forth, on the part of the tenant. Clearly, some feeling of animosity currently exists between the tenant and ^{s.22} agent representing the landlord.

However, in the absence of direct witness testimony, on a balance of probabilities I find that the landlord has not met the burden of proving that the tenant's conduct and behavior on or about February 17 & 18, 2010, was sufficiently significant or serious to warrant the granting of an order of possession. Accordingly, I hereby cancel the landlord's notice to end tenancy, with the effect that the tenancy continues in full force and effect.

For reference, the attention of the parties is drawn to section 56 of the Act which speaks to **Application for order ending tenancy early**. Both parties are encouraged to familiarize themselves with the legislation which provides, in part, that in certain circumstances an order ending tenancy early may be made without a requirement that the landlord give the tenant a notice to end tenancy. The full text of the Act, regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca/

Conclusion

Pursuant to all of the above, the landlord's notice to end tenancy for cause is hereby set aside. The tenancy continues in full force and effect.

DATE: April 15, 2010


T. MITCHELL
Dispute Resolution Officer



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

File No: 730138

In the matter of the *Residential Tenancy Act*, SBC 2002,c.78., as amended

Between **The Bourbon/Hildon Hotel (Landlord)**

Applicant(s)

And ^{s.22} **(Tenant)**

Respondent(s)


Regarding a rental unit at: ^{s.22} - **50 West Cordova Street, Vancouver, BC**

Date of Hearing: February 24, 2009, by conference call

ORDER

I DO HEREBY ORDER, pursuant to section 67 of the *Residential Tenancy Act*, that the respondent(s), ^{s.22} pay to the applicant(s), **The Bourbon/Hildon Hotel**, the sum of **\$1959.58**.

February 24, 2009



J.L. Kernaghan
Dispute Resolution Officer



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

File No: 730138

In the matter of the *Residential Tenancy Act*, SBC 2002,c.78., as amended

Between **The Bourbon/Hildon Hotel (Landlord)**

Applicant(s)

And ^{s.22} **(Tenant)**

Respondent(s)

Regarding a rental unit at:^{s.22} **- 50 West Cordova Street, Vancouver, BC**

Date of Hearing: February 24, 2009, by conference call

ORDER

I AUTHORIZE AND COMMAND YOU,^{s.22} Tenant(s) to deliver full and peaceable vacant possession and occupation of the above noted rental unit to **The Bourbon/Hildon Hotel**, Landlord(s) not later than **two (2) days** after service of this order upon you.

I FURTHER ORDER, pursuant to section 72 that the tenant pay to the landlord the sum of \$50.00 representing the fee paid under section 59.

February 24, 2009



J.L. Kernaghan
Dispute Resolution Officer



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

File No: 730138

In the matter of the *Residential Tenancy Act*, SBC 2002,c.78., as amended

Between **The Bourbon/Hilton Hotel (Landlord)**

Applicant(s)

And

s.22

(Tenant)

Respondent(s)

Regarding a rental unit at: s.22 - **50 West Cordova Street, Vancouver, BC**

Date of Hearing: February 24, 2009, by conference call

Date of Decision: February 24, 2009

Attending:

For the Landlord: Paul Roberts, General Manager

For the Tenant: No one



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: OPR, MNR, MNSD, FF

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order allowing retention of the security deposit in partial satisfaction of the claim. Although served with the Application for Dispute Resolution and Notice of Hearing by personal service the tenant did not appear.

Based on the testimony of the resident manager I find that the tenant was served with a Notice to End Tenancy for Non-payment of rent and did not file an application to dispute the Notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. Based on the above facts I find that the landlord is entitled to an order of possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord has established a total monetary claim of \$2175.00 comprised of arrears of rent in the amount of \$2125.00 and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the deposit and interest of \$215.42 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1959.58. This order may be filed in the Small Claims Court and enforced as an order of that Court.

February 24, 2009



J.L. Kernaghan
Dispute Resolution Officer

For RTB use only: File # 730138



00031
BRITISH
COLUMBIA

For RTB use only: File # 730138

Nature of the Dispute

Ending tenancy, and seeking an Order of Possession:

Notice to End Tenancy

When the dispute involves a *Notice to End Tenancy*, the *Notice to End Tenancy* must be given to the tenant before applying for Dispute Resolution **and** the *Notice to End Tenancy* must be submitted to the Residential Tenancy Branch.

Date the *Notice to End Tenancy* referred to in this Application was served: JAN 06/09

How was it served? By HAND

Reason for ending tenancy:

- ☐ Employment with landlord has ended OPE
- ☒ The tenant has not paid rent or utilities OPR
- ☐ The landlord wants the unit or property for another use OPL
- ☐ The landlord has cause, as described in the Act, regulation (state section in the 'Details of the Dispute' box below), or tenancy agreement (provide a copy) OPC
- ☐ The tenant does not qualify for subsidized housing OPQ
- ☐ The tenant has breached an agreement with the landlord (provide a copy of agreement) OPB

Monetary Order:

- ☐ For damage to the unit, site or property MND
- ☒ For unpaid rent or utilities MNR
- ☒ To keep all or part of pet damage deposit or security deposit MNSD
- ☐ For money owed or compensation for damage or loss under the Act, regulation or tenancy agreement MNDC

The request for a Monetary Order is for the following amount:

Provide a detailed calculation of the amount in the 'Details of the Dispute' box below.

\$ 1912.50

Other

- ☒ Recover filing fee from the tenant for the cost of this application FF
- ☐ Serve documents or evidence in a different way than required by the Act SS
- ☐ End Tenancy Early **and** obtain an Order of Possession ET
- ☐ Other (provide details in the 'Details of the Dispute' box below) O

Details of the Dispute

In two or three sentences, describe the issue. Include any dates, times, people or other information that says who, what, where and when the issue arose or the event occurred. When you are asking for a Monetary Order, include a detailed calculation. Attach a separate sheet if necessary. Any additional sheets must be signed.

s.22

REFUSES TO PAY RENT. HAS IGNORED EVERY EVICTION NOTICE.
HAS A LONG HISTORY OF LATE AND NON PAYMENT OF RENT.

Signature: [Signature] Date: JAN 14/09

Print name: PAUL ROBERTS

Tenant's Application for Dispute Resolution

For RTB use only: File # 750704

☐ This application is being made under the *Manufactured Home Park Tenancy Act*

☒ This application is being made under the *Residential Tenancy Act*

Tenant(s) (Applicant(s): The person asking for dispute resolution)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

s.22

Last name

First and middle names

Last name

First and middle names

Applicant Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

s.22

s.22

Other phone number

Fax number for document service

☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Applicants to this application and it is attached.

☐ Yes, the **Mailing Address** is different from the Applicant Address, and it is attached.

Dispute Address (address of the rental unit or manufactured home site)

s.22

50 WEST GORDON
Street # and street name

VANCOUVER
City

BC
Province

V6B 1C9
Postal Code

Landlord(s) (Respondent(s): The other party to the dispute)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

s.22

Last name (if more than one landlord, also use form #RTB-26)

First and middle names

Respondent Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

Unit/site #

50 WEST GORDON ST
Street # and street name

VANCOUVER
City

BC
Province

V6B 1C9
Postal Code

Daytime phone number

Other phone number

Fax number for document service

☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Respondents to this application and it is attached.

☐ Yes, the **Mailing Address** is different from the Respondent Address, and it is attached.

TO FILE THIS APPLICATION:

- On this page, fill in the information boxes.
- On page 2, check the boxes that apply to your request, provide details and sign at the bottom.
- Submit your application in-person at:
 - RTB Burnaby: 400 – 5021 Kingsway Avenue
 - RTB Kelowna: 305–478 Bernard Avenue
 - RTB Victoria: 1st floor, 1019 Wharf Street
 - Any Service BC–Government Agents Office
- Applications may also be submitted online at www.rto.gov.bc.ca.
- Do not give a copy of your Application to the Respondent(s) until the Residential Tenancy Branch accepts it and you have paid the application fee or obtained a fee waiver.

RESIDENTIAL TENANCY BRANCH
BURNABY, B.C.

MAR 01 2010

RECEIVED

RTB use only
date stamp & initial

Ministry of Housing and Social Development

Residential Tenancy Branch

Lower Mainland: 604-660-1020 Victoria: 250-387-1602 Elsewhere in BC: 1-800-665-8779

Website: www.rto.gov.bc.ca

#RTB-12-T (2009/09)



BRITISH
COLUMBIA

The Best Place on Earth

HOU-2011-00031

Page 51

Nature of the Dispute

More time needed for application process

- ☐ Allow a tenant more time to make an application to cancel a *Notice to End Tenancy* MT
Date the *Notice to End Tenancy* was received: _____

Dispute an additional rent increase

- ☐ Dispute an additional rent increase DRI

Cancel a *Notice to End Tenancy* issued for the following reason:

- ☐ Tenant does not qualify for subsidized housing CNQ
☒ Tenant's employment with landlord has ended CNE
☒ Cause (state provision of the Act in the 'Details of the Dispute' box below) CNC
☐ Landlord's intention to convert manufactured home park to another use CNLC
☐ Landlord's use of rental property CNL
☐ Unpaid rent or utilities CNR

Monetary Order for the following reason:

- ☐ Cost of emergency repairs MNR
☐ Money owed or compensation for damage or loss under the Act, regulation or tenancy agreement MNDC
☐ Return of all or part of pet damage deposit or security deposit MNSD

The request for a Monetary Order is for the following amount:

Provide a detailed calculation of the amount in the 'Details of the Dispute' box below.

\$

Landlord's action sought

- ☐ Comply with the Act, regulation (state section in the 'Details of the Dispute' box below), or tenancy agreement (provide a copy) OLC
☐ Make emergency repairs for health or safety reasons ERP
☐ Make repairs to the unit, site or property RP
☐ Provide services or facilities required by law (state Act and section in the 'Details of the Dispute' box below) PSF
☐ Return the tenant's personal property RPP
☐ Suspend or set conditions on the landlord's right to enter the rental unit LRE

Tenant's action sought

- ☐ Obtain an Order of Possession of the rental unit or site OPT
☐ Allow access to (or from) the unit or site for the tenant or the tenant's guests AAT
☐ Authorize a tenant to change the locks to the rental unit LAT
☐ Allow a tenant to assign or sublet because the landlord's permission has been unreasonably withheld AS
☐ Allow a tenant to reduce rent for repairs, services or facilities agreed upon but not provided RR

Other

- ☐ Recover filing fee from the landlord for the cost of this application FF
☐ Serve documents or evidence in a different way than required by the Act SS
☐ Other (provide details in the 'Details of the Dispute' box below) O

Details of the Dispute

In two or three sentences, describe the issue. Include any dates, times, people or other information that says who, what, where and when the issue arose or the event occurred. When the dispute includes a request for a Monetary Order, include a detailed calculation. Attach a separate sheet if necessary. Any additional sheets must be signed.

I dispute this notice!
s.22

Signature: _____

Date: Mar 1/10

Print name: _____

The personal information recorded on this form is collected under the authority of s. 59 Residential Tenancy Act and s. 52 Manufactured Home Park Tenancy Act for the purpose of administering the Acts. The information may be disclosed to the public in accordance with the Freedom of Information and Protection of Privacy Act. Questions about the collection of this information may be directed to an Information Officer: Lower Mainland 604-660-1020 Victoria 387-1602 Elsewhere in B.C. 1-800-665-8779

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78., as amended

Between

s.22

Tenant(s),

Applicant(s)

And

Bourbon Hotel, Landlord(s),

Respondent(s)

Re: An application pursuant to sections 46, 47 and 66 of the *Residential Tenancy Act* regarding the premises at:

s.22

50 West Cordova Street, Vancouver, BC

ORDER

I AUTHORIZE AND COMMAND YOU, s.22 **and All Occupants,** and any guest or other person occupying the above noted rental unit, to deliver full and peaceable vacant possession and occupation of the rental unit not later than **1:00 January 25, 2010.**

Dated: January 22, 2010



E. Letain
Dispute Resolution Officer



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

File No: 746988

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78., as amended

Between

s.22

Tenant(s),

Applicant(s)

And

Bourbon Hotel, Landlord(s),

Respondent(s)

Regarding a rental unit at: s.22 50 West Cordova Street, Vancouver, BC

Date of Hearing: January 22, 2010, by conference call.

Date of Decision: January 22, 2010

Attending:

For the Landlord: Glen Miller, Agent for the Landlord

For the Tenant: s.22

DECISION

Dispute Codes MT, CNC, CNR

Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution, in which^{s.22} was seeking additional time to make an Application to cancel a Notice to End Tenancy, and orders to cancel Notices to End Tenancy issued to^{s.22} for cause, for unpaid rent, and for repeated late payment of rent.

The Landlord was represented at the hearing by an Agent for the Landlord.

The Tenant had an Advocate appear for him at the hearing, however, the Tenant did not attend the hearing.

The Advocate for the Tenant did not wish to proceed without the Tenant being present. It was explained to the Advocate for the Tenant that the hearing could proceed with^{s.22} representing the Tenant, or that the hearing would be delayed 10 minutes in order for the Tenant to appear. It was also explained to the Advocate for the Tenant that if the Tenant did not appear in 10 minutes,^{s.22} Application would be dismissed without leave to reapply. The Advocate for the Tenant elected to wait 10 minutes.

The Advocate for the Tenant explained the Tenant wished to make submissions^{s.22} on the various Notices to End Tenancy.

The Landlord alleged the Tenant was in the rental unit sleeping at the time of the hearing.

Analysis

The telephone line remained open while the phone system was monitored for ten minutes and the Tenant did not attend the hearing during this time. An Agent for the Landlord was present. The Tenant was represented by an Advocate who elected not to proceed with the hearing without the Tenant.

Therefore, as the Applicant did not attend the hearing by 10:40 a.m., I dismissed the claim without leave to reapply.

Upon my dismissal of the Application, the Agent for the Landlord requested an Order of Possession for the rental unit effective on **January 25, 2010, at 1:00 p.m.** Pursuant to section 55 of the Act, I must grant the Landlord's request for an Order of Possession.

The Order of Possession is effective at **1:00 p.m. January 25, 2010.** This Order may be enforced in the Supreme Court of British Columbia.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: January 22, 2010.

A handwritten signature in black ink, appearing to read 'E. Letain', is written over a horizontal line.

E. Letain
Dispute Resolution Officer

Tenant's Application for Dispute Resolution

For RTB use only: File #

746988

- ☐ This application is being made under the *Manufactured Home Park Tenancy Act*
☒ This application is being made under the *Residential Tenancy Act*

Tenant(s) (Applicant(s): The person asking for dispute resolution)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

s.22

Last name

First and middle names

Last name

First and middle names

Applicant Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

s.22

Unit/site #

Street # and street name

City

Province

Postal Code

Daytime phone number

Other phone number

Fax number for document service

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Applicants to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Applicant Address, and it is attached.

Dispute Address (address of the rental unit or manufactured home site)

s.22

Unit/site #

50 West Cordova Street

Street # and street name

Vancouver

City

BC

Province

V6B 1C9

Postal Code

Landlord(s) (Respondent(s): The other party to the dispute)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

Bourbon Hotel

Last name or full legal business name

First and middle names

Last name (if more than one landlord, also use form #RTB-26)

First and middle names

Respondent Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

Unit/site #

50 West Cordova Street

Street # and street name

Vancouver

City

BC

Province

V6B 1C9

Postal Code

Daytime phone number

Other phone number

Fax number for document service

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Respondents to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Respondent Address, and it is attached.

TO FILE THIS APPLICATION:

- On this page, fill in the information boxes.
- On page 2, check the boxes that apply to your request, provide details and sign at the bottom.
- Submit your application In-person at:
 - RTB Burnaby: 400 – 5021 Kingsway Avenue
 - RTB Kelowna: 305–478 Bernard Avenue
 - RTB Victoria: 1st floor, 1019 Wharf Street
 - Any Service BC–Government Agents Office
- Applications may also be submitted online at www.rto.gov.bc.ca.
- Do not give a copy of your Application to the Respondent(s) until the Residential Tenancy Branch accepts it and you have paid the application fee or obtained a fee waiver.

RESIDENTIAL TENANCY BRANCH
BURNABY, B.C.

DEC 14 2009

RECEIVED

RTB use only
date stamp & Initial

5

Ministry of Housing and Social Development

Residential Tenancy Branch

Lower Mainland: 604-660-1020 Victoria: 250-387-1602 Elsewhere in BC: 1-800-665-8779

Website: www.rto.gov.bc.ca

#RTB-12-T (2009/09)



For RTB use only: File #

746988

Nature of the Dispute

More time needed for application process

- ☒ Allow a tenant more time to make an application to cancel a *Notice to End Tenancy* MT
Date the *Notice to End Tenancy* was received: December 9, 2009

Dispute an additional rent increase

- ☐ Dispute an additional rent increase DRI

Cancel a *Notice to End Tenancy* issued for the following reason:

- ☐ Tenant does not qualify for subsidized housing CNQ
☐ Tenant's employment with landlord has ended CNE
☒ Cause (state provision of the Act in the 'Details of the Dispute' box below) CNC
☐ Landlord's intention to convert manufactured home park to another use CNLC
☐ Landlord's use of rental property CNL
☒ Unpaid rent or utilities CNR

Monetary Order for the following reason:

- ☐ Cost of emergency repairs MNR
☐ Money owed or compensation for damage or loss under the Act, regulation or tenancy agreement MNDC
☐ Return of all or part of pet damage deposit or security deposit MNSD

The request for a Monetary Order is for the following amount:

Provide a detailed calculation of the amount in the 'Details of the Dispute' box below.

\$

Landlord's action sought

- ☐ Comply with the Act, regulation (state section in the 'Details of the Dispute' box below), or tenancy agreement (provide a copy) OLC
☐ Make emergency repairs for health or safety reasons ERP
☐ Make repairs to the unit, site or property RP
☐ Provide services or facilities required by law (state Act and section in the 'Details of the Dispute' box below) PSF
☐ Return the tenant's personal property RPP
☐ Suspend or set conditions on the landlord's right to enter the rental unit LRE

Tenant's action sought

- ☐ Obtain an Order of Possession of the rental unit or site OPT
☐ Allow access to (or from) the unit or site for the tenant or the tenant's guests AAT
☐ Authorize a tenant to change the locks to the rental unit LAT
☐ Allow a tenant to assign or sublet because the landlord's permission has been unreasonably withheld AS
☐ Allow a tenant to reduce rent for repairs, services or facilities agreed upon but not provided RR

Other

- ☐ Recover filing fee from the landlord for the cost of this application FF
☐ Serve documents or evidence in a different way than required by the Act SS
☐ Other (provide details in the 'Details of the Dispute' box below) O

Details of the Dispute

In two or three sentences, describe the issue. Include any dates, times, people or other information that says who, what, where and when the issue arose or the event occurred. When the dispute includes a request for a Monetary Order, include a detailed calculation. Attach a separate sheet if necessary. Any additional sheets must be signed.

Tenant received eviction notice for unpaid rent in November. Tenant disputed notice and dispute resolution hearing was scheduled for December 14, 2009 (RTB File No. 742098). At the hearing, the landlord indicated that it was not properly named on the application. The tenant had used name listed on land title search as that of landlord. DRO Coyne instructed tenant to re-file application for dispute resolution with landlord's correct name. On December 9, tenant received two additional eviction notices - a ten-day notice for unpaid rent and a 30-day notice for cause. Tenant is also disputing these notices. Tenant was in jail on December 11 and 12, and is requesting additional time to file application with respect to these notices.
s.22

Signature: _

Date: Dec 14 / 09

Print name: _____

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Lower Mainland 604-660-1020 Victoria 387-1602 Elsewhere in B.C. 1-800-665-8779

HOU-2011-00031

Page 58



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

File No: 735773

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78., as amended

Between

s.22

Tenant(s),

Applicant(s)

And

**Newton Investments Ltd., Hotel Bourbon, Hildon Hotel,
Landlord(s),**

Respondent(s)

Regarding a rental unit at: s.22 50 West Cordova Street, Vancouver, BC

Date of Hearing: September 11, 2009, by conference call.

Date of Decision: September 11, 2009

Attending:

For the Landlord: Glenn Miller

For the Tenant: s.22

DECISION

Dispute Codes MNSD

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant for a Monetary Order for the return of double their security deposit.

Service of the hearing documents, by the Tenant to the Landlord, was done in accordance with section 89 of the *Act*, served in person by the Tenant to the Landlord on June 4, 2009. The Landlord confirmed receipt of the hearing package.

The Landlord and Tenant appeared, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, and in documentary form.

The Tenant did not receive a copy of the Landlord's evidence package but did receive a copy of a letter issued by the Landlord and dated August 3, 2009. The Landlord confirmed that he did not send the Tenant a copy of his evidence. Both parties were informed that the Landlord's evidence was not provided to the Tenant in accordance with the *Residential Tenancy Rules of Procedure* and that the Landlord's evidence will not be considered in my decision. All of the testimony was carefully considered.

Issues(s) to be Decided

Is the Tenant entitled to a Monetary Order under sections 38 of the *Residential Tenancy Act*?

Background and Evidence

The month to month tenancy began on February 20, 2009 and rent was payable on the first of each month in the amount of \$450.00. The Tenant paid a security deposit of \$225.00 on February 11, 2009.

The Tenant advised that the tenancy ended on April 1, 2009 when^{s.22} vacated the rental unit. The Tenant argued that^{s.22} provided the Landlord with written notice to end the

tenancy on March 13, 2009 with an effective date of April 1, 2009 and that this notice included^{s.22} forwarding address.

The Landlord testified that he received the notice to end tenancy from the Tenant on March 15, 2009 and that the Tenant did not vacate the rental unit until April 7, 2009. The Landlord argued that he received two notices from the Tenant; the first was received on March 15, 2009, was dated February 28, 2009 and did not include the Tenant's forwarding address. The Landlord stated that he received a second notice on April 1, 2009 and that this notice listed the Tenant's forwarding address and a request for the return of the Tenant's security deposit.

The Landlord testified that he did not return the Tenant's security deposit and that the Landlord did not apply for dispute resolution for an Order to keep the security deposit. The Landlord claims that the Tenant failed to provide him with proper thirty days notice to end tenancy and that the Tenant failed to pay April 2009 rent.

Analysis

I find that in order to justify payment of loss under section 67 of the *Act*, the Applicant Tenant would be required to prove that the other party did not comply with the *Act* and that this non-compliance resulted in costs or losses to the Applicant pursuant to section 7. It is important to note that in a claim for damage or loss under the *Act*, the party claiming the damage or loss; in this case the Tenant bears the burden of proof.

Based on the testimony and documentary evidence before me I find that the tenancy ended in April 2009, that the Landlord was provided notification in writing of the notice to end tenancy from the Tenant on March 15, 2009, and that the Tenant's forwarding address was received by the Landlord in writing on April 1, 2009 along with the Tenant's request for the return of his security deposit.

Section 38(1) of the *Act* stipulates that if within 15 days after the later of: 1) the date the tenancy ends, and 2) the date the landlord receives the tenant's forwarding address in writing, the landlord must repay the security and pet deposit to the tenant with interest

or make application for dispute resolution claiming against the security deposit or pet deposit. In this case the Landlord was required to return the Tenant's security deposit or file for dispute resolution no later than April 22, 2009.

Based on the above, I find that the Landlord has failed to comply with Section 38(1) of the *Act* and that the Landlord is subject to Section 38(6) of the *Act* which states that if a landlord fails to comply with section 38(1) the landlord may not make a claim against the security and pet deposit and the landlord must pay the tenant double the amount of the security and pet deposit. I find that the Tenant has succeeded in proving the test for damage or loss as listed above and I approve ^{s.22} claim for the return of double the security deposit and interest in the amount of \$450.00 (\$225.00 + \$225.00 + \$0.00 interest)

I do not accept the Landlord's argument that the Landlord's violation of withholding the security deposit was somehow excused due to the Tenant's alleged failure to comply with the Act of not providing proper notice to end tenancy. Even if the Tenant was found to be in violation of the Act, there is no provision in the Act that extends immunity for a reciprocal breach on the part of a Landlord.

Conclusion

I HEREBY FIND in favor of the Tenant's monetary claim. A copy of the Tenant's decision will be accompanied by a Monetary Order for \$450.00. The order must be served on the respondent Landlord and is enforceable through the Provincial Court as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: September 11, 2009.



L. Bell
Dispute Resolution Officer

File No. 735773

Date: September 11, 2009

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78., as amended

Between

s.22

Tenant(s),

Applicant(s)

And

**Newton Investments Ltd, Hotel Bourbon, Hildon Hotel,
Landlord(s),**

Respondent(s)

Re: An application pursuant to section 38 of the *Residential Tenancy Act* regarding the premises at:

s.22

50 West Cordova Street, Vancouver, BC

ORDER

I HEREBY ORDER, pursuant to section 67 of the *Residential Tenancy Act*, the Respondent, **Newton Investments Ltd, Hotel Bourbon, Hildon Hotel** to pay to the Applicant, s.22 the sum of **\$450.00**.

Dated: September 11, 2009



L. Bell
Dispute Resolution Officer

Tenant's Application for Dispute Resolution

For RTB use only: File #

735173

- ☐ This application is being made under the *Manufactured Home Park Tenancy Act*
☒ This application is being made under the *Residential Tenancy Act*

Tenant(s) (Applicant(s): The person asking for dispute resolution)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

s.22

Last name	First and middle names
Last name	First and middle names

Applicant Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

s.22

Unit/site #	Street # and street name	City	Province	Postal Code
Daytime phone number		Other phone number	Fax number for document service	

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Applicants to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Applicant Address, and it is attached.

Dispute Address (address of the rental unit or manufactured home site)

s.22

Unit/site #	Street # and street name	City	Province	Postal Code
	50 W. Cordova SK	Vancouver	BC	V6B 1C9

Landlord(s) (Respondent(s): The other party to the dispute)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

Hotel Bourbon	
Last name or full legal business name	First and middle names
HILTON HOTEL	
Last name (if more than one landlord, also use form #RTB-26)	First and middle names

Respondent Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

Unit/site #	Street # and street name	City	Province	Postal Code
102	50 W. Cordova SK	Vancouver	BC	V6B 1C9
Daytime phone number	Other phone number	Fax number for document service		
604	687 5427			

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Respondents to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Respondent Address, and it is attached.

TO FILE THIS APPLICATION:

- On this page, fill in the information boxes.
- On page 2, check the boxes that apply to your request, provide details and sign at the bottom.
- Submit your application in-person at:
 - RTB Burnaby: 400 – 5021 Kingsway Avenue
 - RTB Kelowna: 101–2141 Springfield Road
 - RTB Victoria: 1st floor, 1019 Wharf Street
 - Any Service BC–Government Agents Office
- Applications may also be submitted online at www.rto.gov.bc.ca.
- Do not give a copy of your Application to the Respondent(s) until the Residential Tenancy Branch accepts it and you have paid the application fee or obtained a fee waiver.

RESIDENTIAL TENANCY BRANCH BURNABY, B.C.
JUN 02, 2009
RECEIVED 5
RTB use only date stamp & initial

Office of Housing and Construction Standards

Residential Tenancy Branch
Lower Mainland: 604-660-1020 Victoria: 250-387-1602 Elsewhere in BC: 1-800-665-8779
Website: www.rto.gov.bc.ca

#RTB-12-T (2007/10)

For RTB use only: File #

735773

Nature of the Dispute

More time needed for application process

- ☐ Allow a tenant more time to make an application to cancel a *Notice to End Tenancy* MT
Date the *Notice to End Tenancy* was received: _____

Dispute an additional rent increase

- ☐ Dispute an additional rent increase DRI

Cancel a *Notice to End Tenancy* issued for the following reason:

- ☐ Tenant does not qualify for subsidized housing CNQ
☐ Tenant's employment with landlord has ended CNE
☐ Cause (state provision of the Act in the 'Details of the Dispute' box below) CNC
☐ Landlord's intention to convert manufactured home park to another use CNLC
☐ Landlord's use of rental property CNL
☐ Unpaid rent or utilities CNR

Monetary Order for the following reason:

- ☐ Cost of emergency repairs MNR
☐ Money owed or compensation for damage or loss under the Act, regulation or tenancy agreement MNDC
☒ Return of all or part of pet damage deposit or security deposit MNSD

The request for a Monetary Order is for the following amount:

Provide a detailed calculation of the amount in the 'Details of the Dispute' box below.

\$ 450.00

Landlord's action sought

- ☐ Comply with the Act, regulation (state section in the 'Details of the Dispute' box below), or tenancy agreement (provide a copy) OLC
☐ Make emergency repairs for health or safety reasons ERP
☐ Make repairs to the unit, site or property RP
☐ Provide services or facilities required by law (state Act and section in the 'Details of the Dispute' box below) PSF
☐ Return the tenant's personal property RPP
☐ Suspend or set conditions on the landlord's right to enter the rental unit LRE

Tenant's action sought

- ☐ Obtain an Order of Possession of the rental unit or site OPT
☐ Allow access to (or from) the unit or site for the tenant or the tenant's guests AAT
☐ Authorize a tenant to change the locks to the rental unit LAT
☐ Allow a tenant to assign or sublet because the landlord's permission has been unreasonably withheld AS
☐ Allow a tenant to reduce rent for repairs, services or facilities agreed upon but not provided RR

Other

- ☐ Recover filing fee from the landlord for the cost of this application FF
☐ Serve documents or evidence in a different way than required by the Act SS
☐ Other (provide details in the 'Details of the Dispute' box below) O

Details of the Dispute

In two or three sentences, describe the issue. Include any dates, times, people or other information that says who, what, where and when the issue arose or the event occurred. When the dispute includes a request for a Monetary Order, include a detailed calculation. Attach a separate sheet if necessary. Any additional sheets must be signed.

The tenant had moved into the Bourbon Hotel on February 20, 2009 and paid a pro-rated rent of \$144.63, and a security deposit of \$225.00. (Please see attached receipts). The tenant then provided notice to the Landlord that would be moving out in April. The tenant then received a Notice to End Tenancy on April 2, 2009, and to be out by April 12, 2009. The tenant then moved out, and provided the Landlord with a forwarding address to receive^{s.22} security deposit. The Landlord has vet to receive^{s.22} security deposit and is now requesting double the amount of \$450.00, *March rent was paid.

Signature

Date: June 1, 2009

direct from Ministry record available.

Print name

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78., as amended

between

s.22

Tenant(s),

Applicant(s)

and

Hotel Bourbon, Landlord(s),

Respondent(s)

Re: An application pursuant to sections 47, 66 of the *Residential Tenancy Act*
regarding the rental unit at:

s.22

50 West Cordova St., Vancouver, British Columbia

Date of hearing: April 30, 2009, by conference call.

Appearances: Glen Miller, for the landlord

No appearance for the tenant

DECISION AND REASONS

This matter was set for a conference call hearing at 9:30 a.m. on this date. The applicant for this matter did not call into the conference call; therefore their application is dismissed.

The respondent appeared in the hearing and verbally requested an Order of Possession in accordance with Section 55 of the Residential Tenancy Act, for as soon as possible.

As per Section 55 (1) (b) I grant an Order of Possession to the landlord not later than two (2) days after service of the order upon the tenant. The tenant must be served with this Order of Possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Dated April 30, 2009.



R. Lanon
Dispute Resolution Officer

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78., as amended

Between

s.22

Tenant(s),

Applicant(s)

And

Hotel Bourbon, Landlord(s),

Respondent(s)

Re: An application pursuant to sections 47, 66 of the *Residential Tenancy Act*
regarding the premises at:

s.22

50 West Cordova St., Vancouver, British Columbia

Date of hearing: April 30, 2009, by conference call.

ORDER

I AUTHORIZE AND COMMAND YOU, s.22

Tenant, and any person claiming possession or occupation through you or under you, to deliver full and peaceable vacant possession and occupation of the above noted rental unit to **Hotel Bourbon, Landlord** **not later than two (2) days after service of this order upon you.**

Dated April 30, 2009.



R. Lanon
Dispute Resolution Officer

Tenant's Application for Dispute Resolution

For RTB use only: File # 736789

- ☐ This application is being made under the *Manufactured Home Park Tenancy Act*
☒ This application is being made under the *Residential Tenancy Act*

Tenant(s) (Applicant(s): The person asking for dispute resolution)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

s.22

Applicant Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

s.22

Unit/site # _____ Street # and street name _____ City _____ Province _____ Postal Code _____
Daytime phone number _____ Other phone number _____ Fax number for document service _____

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Applicants to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Applicant Address, and it is attached.

Dispute Address (address of the rental unit or manufactured home site)

s.22

Unit/site # _____ Street # and street name 50 WEST CORDOVA ST. City VANCOUVER Province BC Postal Code V6B1C9

Landlord(s) (Respondent(s): The other party to the dispute)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

BOTEL BOURBON
Last name or full legal business name _____ First and middle names _____
Last name (if more than one landlord, also use form #RTB-26) _____ First and middle names _____

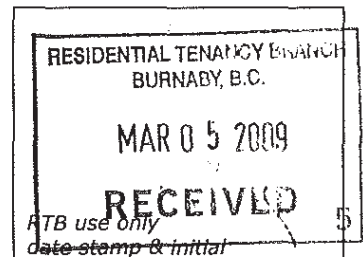
Respondent Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

Unit/site # 102 Street # and street name 50 WEST CORDOVA City VANCOUVER Province BC Postal Code V6B1C9
Daytime phone number 604 687-5427 Other phone number _____ Fax number for document service _____

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Respondents to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Respondent Address, and it is attached.

TO FILE THIS APPLICATION:

- On this page, fill in the information boxes.
- On page 2, check the boxes that apply to your request, provide details and sign at the bottom.
- Submit your application in-person at:
 - RTB Burnaby: 400 – 5021 Kingsway Avenue
 - RTB Kelowna: 101-2141 Springfield Road
 - RTB Victoria: 1st floor, 1019 Wharf Street
 - Any Service BC-Government Agents Office
- Applications may also be submitted online at www.rto.gov.bc.ca.
- Do not give a copy of your Application to the Respondent(s) until the Residential Tenancy Branch accepts it and you have paid the application fee or obtained a fee waiver.



Office of Housing and Construction Standards

Residential Tenancy Branch
Lower Mainland: 604-660-1020 Victoria: 250-387-1602 Elsewhere in BC: 1-800-665-8779
Website: www.rto.gov.bc.ca

#RTB-12-T (2007/10)



For RTB use only: File # 736789

Nature of the Dispute

More time needed for application process

- ☒ Allow a tenant more time to make an application to cancel a Notice to End Tenancy MT
Date the Notice to End Tenancy was received: FOUNO MARCH 1ST, 2009

Dispute an additional rent increase

- ☐ Dispute an additional rent increase DRI

Cancel a Notice to End Tenancy issued for the following reason:

- ☐ Tenant does not qualify for subsidized housing CNQ
☐ Tenant's employment with landlord has ended CNE
☒ Cause (state provision of the Act in the 'Details of the Dispute' box below) CNC
☐ Landlord's intention to convert manufactured home park to another use CNLC
☐ Landlord's use of rental property CNL
☐ Unpaid rent or utilities CNR

Monetary Order for the following reason:

- ☐ Cost of emergency repairs MNR
☐ Money owed or compensation for damage or loss under the Act, regulation or tenancy agreement MNDC
☐ Return of all or part of pet damage deposit or security deposit MNSD

The request for a Monetary Order is for the following amount:

Provide a detailed calculation of the amount in the 'Details of the Dispute' box below.

\$

Landlord's action sought

- ☐ Comply with the Act, regulation (state section in the 'Details of the Dispute' box below), or tenancy agreement (provide a copy) OLC
☐ Make emergency repairs for health or safety reasons ERP
☐ Make repairs to the unit, site or property RP
☐ Provide services or facilities required by law (state Act and section in the 'Details of the Dispute' box below) PSF
☐ Return the tenant's personal property RPP
☐ Suspend or set conditions on the landlord's right to enter the rental unit LRE

Tenant's action sought

- ☐ Obtain an Order of Possession of the rental unit or site OPT
☐ Allow access to (or from) the unit or site for the tenant or the tenant's guests AAT
☐ Authorize a tenant to change the locks to the rental unit LAT
☐ Allow a tenant to assign or sublet because the landlord's permission has been unreasonably withheld AS
☐ Allow a tenant to reduce rent for repairs, services or facilities agreed upon but not provided RR

Other

- ☐ Recover filing fee from the landlord for the cost of this application FF
☐ Serve documents or evidence in a different way than required by the Act SS
☐ Other (provide details in the 'Details of the Dispute' box below) O

Details of the Dispute

In two or three sentences, describe the issue. Include any dates, times, people or other information that says who, what, where and when the issue arose or the event occurred. When the dispute includes a request for a Monetary Order, include a detailed calculation. Attach a separate sheet if necessary. Any additional sheets must be signed.

REQUEST EXTRA TIME TO FILE IF NECESSARY

I DISPUTE THIS NOTICE
s.22

Signature: _____

MARCH 5, 2009.

Print name: _____



Dispute Resolution Services
Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

File No: 737143

In the matter of the *Residential Tenancy Act*, SBC 2002,c.78., as amended

Between

THE BOURBON HOTEL AND PAUL ROBERTS, Landlord(s),

Applicant(s)

And

s.22

, Tenant(s),

Respondent(s)

Regarding a rental unit at: ^{s.22} **50 West Cordova Street, Vancouver, British Columbia**

Date of Hearing: July 8, 2009, by conference call

Date of Decision: July 8, 2009

Attending:

For the Landlord: No one attended

For the Tenant: No one attended

Landlord's Application for Dispute Resolution

For RTB use only: File # 737143

- ☐ This application is being made under the *Manufactured Home Park Tenancy Act*
☒ This application is being made under the *Residential Tenancy Act*

Landlord(s) (Applicant(s): The person asking for dispute resolution)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

The Bourbon Hotel

Last name or the full legal business name

Roberts

Paul

First and middle names

PAUL

First and middle names

Last name (if more than one landlord, also use form #RTB-26)

Applicant Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

102 Unit/site # 50 West Cordova STREET Street # and street name Vancouver City BC Province V6B 1C9 Postal Code

604 687 5427 Daytime phone number 604 838 7527 Other phone number 604 408 9595 Fax number for document service

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Applicants to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Applicant Address, and it is attached.

Dispute Address (address of the rental unit or manufactured home site)

s.22

50 west cordova STREET

Vancouver

BC

V6B 1C9

Unit/site #

Street # and street name

City

Province

Postal Code

Tenant(s) (Respondent(s): The other party to the dispute)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

s.22

Last name

First and middle names

Last name

First and middle names

Respondent Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

s.22

Unit/site # Street # and street name City Province Postal Code

Daytime phone number Other phone number Fax number for document service

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Respondents to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Respondent Address, and it is attached.

TO FILE THIS APPLICATION:

- On this page, fill in the information boxes.
- On page 2, check the boxes that apply to your request, provide details and sign at the bottom.
- Submit your application in-person at:
 - RTB Burnaby: 400 – 5021 Kingsway Avenue
 - RTB Kelowna: 101-2141 Springfield Road
 - RTB Victoria: 1st floor, 1019 Wharf Street
 - Any Service BC-Government Agents Office
- Applications may also be submitted online at www.rto.gov.bc.ca.
- Do not give a copy of your Application to the Respondent(s) until the Residential Tenancy Branch accepts it and you have paid the application fee or obtained a fee waiver.

RESIDENTIAL TENANCY BRANCH
BURNABY, B.C.

JUN 12 2009

RECEIVED 31

RTB use only – date stamp & initial

Office of Housing and Construction Standards

Residential Tenancy Branch

Lower Mainland: 604-660-1020 Victoria: 250-387-1602 Elsewhere in BC: 1-800-665-8779

Website: www.rto.gov.bc.ca

HOU-2011-00031
Page 71



For RTB use only: File # 737143

Nature of the Dispute

Ending tenancy, and seeking an Order of Possession:

Notice to End Tenancy

When the dispute involves a *Notice to End Tenancy*, the *Notice to End Tenancy* must be given to the tenant before applying for Dispute Resolution **and** the *Notice to End Tenancy* must be submitted to the Residential Tenancy Branch.

Date the *Notice to End Tenancy* referred to in this Application was served: April 02 2009

How was it served? By Hand

Reason for ending tenancy:

- ☐ Employment with landlord has ended OPE
- ☒ The tenant has not paid rent or utilities OPR
- ☐ The landlord wants the unit or property for another use OPL
- ☐ The landlord has cause, as described in the Act, regulation (state section in the 'Details of the Dispute' box below), or tenancy agreement (provide a copy) OPC
- ☐ The tenant does not qualify for subsidized housing OPQ
- ☐ The tenant has breached an agreement with the landlord (provide a copy of agreement) OPB

Monetary Order:

- ☐ For damage to the unit, site or property MND
- ☒ For unpaid rent or utilities MNR
- ☒ To keep all or part of pet damage deposit or security deposit MNSD
- ☒ For money owed or compensation for damage or loss under the Act, regulation or tenancy agreement MNDC

The request for a Monetary Order is for the following amount:

Provide a detailed calculation of the amount in the 'Details of the Dispute' box below.

\$ 2125

Other

- ☒ Recover filing fee from the tenant for the cost of this application FF
- ☐ Serve documents or evidence in a different way than required by the Act SS
- ☐ End Tenancy Early **and** obtain an Order of Possession ET
- ☐ Other (provide details in the 'Details of the Dispute' box below) O

Details of the Dispute

In two or three sentences, describe the issue. Include any dates, times, people or other information that says who, what, where and when the issue arose or the event occurred. When you are asking for a Monetary Order, include a detailed calculation. Attach a separate sheet if necessary. Any additional sheets must be signed.

The Tenant has been consistently been late paying rent. They have not paid rent since December.

Signature: [Signature]

Date: JUNE 12 / 09

Print name: PAUL ROBERTS

In the matter of the *Residential Tenancy Act*, S.B.C. 2002, c. 78.

between

The Hildon Hotel, Landlord(s),

Applicant(s)

and

s.22

Tenant(s),

Respondent(s)

Re: An application pursuant to sections 67 55 38 of the *Residential Tenancy Act* regarding the premises at:

s.22


50 West Cordova Street, Vancouver, British Columbia

Date of hearing: November 12, 2008, by conference call.

DECISION AND REASONS

This application is dismissed with leave to reapply because neither party attend the hearing by 12:15 a.m. November 12th, 2008.

Dated November 12, 2008.


Suzanne Jackson
Dispute Resolution Officer

Landlord's Application for Dispute Resolution

For RTB use only: File # 727955

- ☐ This application is being made under the *Manufactured Home Park Tenancy Act*
☒ This application is being made under the *Residential Tenancy Act*

Landlord(s) (Applicant(s): The person asking for dispute resolution)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

The Hildon Hotel

Last name or the full legal business name

First and middle names

Last name (if more than one landlord, also use form #RTB-26)

First and middle names

Applicant Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

102	50 West Cordova STREET	Vancouver	BC	V6B 1C9
Unit/site #	Street # and street name	City	Province	Postal Code
604	6875427		604	4089595

Daytime phone number

Other phone number

Fax number for document service

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Applicants to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Applicant Address, and it is attached.

Dispute Address (address of the rental unit or manufactured home site)

s.22	50 West Cordova STREET	Vancouver	BC	V6B 1C9
Unit/site #	Street # and street name	City	Province	Postal Code

Tenant(s) (Respondent(s): The other party to the dispute)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

Last name	First and middle names

Last name

First and middle names

Respondent Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

Unit/site #	Street # and street name	City	Province	Postal Code

Daytime phone number

Other phone number

Fax number for document service

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Respondents to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Respondent Address, and it is attached.

TO FILE THIS APPLICATION:

- On this page, fill in the information boxes.
- On page 2, check the boxes that apply to your request, provide details and sign at the bottom.
- Submit your application in-person at:
 - RTB Burnaby: 400 – 5021 Kingsway Avenue
 - RTB Kelowna: 101-2141 Springfield Road
 - RTB Victoria: 1st floor, 1019 Wharf Street
 - Any Service BC-Government Agents Office
- Applications may also be submitted online at www.rto.gov.bc.ca.
- Do not give a copy of your Application to the Respondent(s) until the Residential Tenancy Branch accepts it and you have paid the application fee or obtained a fee waiver.

RESIDENTIAL TENANCY BRANCH BURNABY, B.C. OCT 17 2008 RECEIVED 61 RTB use only – date stamp & initial
--

Office of Housing and Construction Standards

Residential Tenancy Branch

Lower Mainland: 604-660-1020 Victoria: 250-387-1602 Elsewhere in BC: 1-800-665-8779

Website: www.rto.gov.bc.ca

Landlord's Application for Dispute Resolution

Page 2

For RTB use only: File # 725955

Nature of the Dispute

Ending tenancy, and seeking an Order of Possession:

Notice to End Tenancy

When the dispute involves a *Notice to End Tenancy*, the *Notice to End Tenancy* must be given to the tenant before applying for Dispute Resolution **and** the *Notice to End Tenancy* must be submitted to the Residential Tenancy Branch.

Date the *Notice to End Tenancy* referred to in this Application was served: September 02 2008

How was it served? By Hand

Reason for ending tenancy:

- ☐ Employment with landlord has ended OPE
- ☒ The tenant has not paid rent or utilities OPR
- ☐ The landlord wants the unit or property for another use OPL
- ☐ The landlord has cause, as described in the Act, regulation (state section in the 'Details of the Dispute' box below), or tenancy agreement (provide a copy) OPC
- ☐ The tenant does not qualify for subsidized housing OPQ
- ☐ The tenant has breached an agreement with the landlord (provide a copy of agreement) OPB

Monetary Order:

- ☐ For damage to the unit, site or property MND
- ☒ For unpaid rent or utilities MNR
- ☒ To keep all or part of pet damage deposit or security deposit MNSD
- ☐ For money owed or compensation for damage or loss under the Act, regulation or tenancy agreement MNDC

The request for a Monetary Order is for the following amount:

Provide a detailed calculation of the amount in the 'Details of the Dispute' box below.

\$1075

Other

- ☒ Recover filing fee from the tenant for the cost of this application FF
- ☐ Serve documents or evidence in a different way than required by the Act SS
- ☐ End Tenancy Early **and** obtain an Order of Possession..... ET
- ☐ Other (provide details in the 'Details of the Dispute' box below) O

Details of the Dispute

In two or three sentences, describe the issue. Include any dates, times, people or other information that says who, what, where and when the issue arose or the event occurred. When you are asking for a Monetary Order, include a detailed calculation. Attach a separate sheet if necessary. Any additional sheets must be signed.

s.22 was issued a 10 day eviction notice for failure to pay rent for the month of September. As of October 7 2008,
s.22 still remains in the unit with rent unpaid. s.22 has not disputed the initial 10 day eviction notice.

INCLUDES SEPT, OCT RENT & DAMAGE DEPOSIT.

Signature: Paul Roberts

Date: October 7 2008

Print name: Paul Roberts

In the matter of the *Residential Tenancy Act*, S.B.C. 2002, c. 78.

between

The Hildon Hotel, Landlord(s),

Applicant(s)

and

s.22

Tenant(s),

Respondent(s)

Re: An application pursuant to sections 67 55 38 of the *Residential Tenancy Act*
regarding the premises at:

s.22 **50 West Cordova Street, Vancouver, British Columbia**

Date of hearing: November 12, 2008, by conference call.

DECISION AND REASONS

[1] This is an application by the landlord for an order of possession, arrears of rent, retention of the security deposit and recovery of the filing fee.

[2] The tenant did attend the hearing. The landlord did not attend the hearing.

[3] The application is dismissed without leave to reapply because the landlord did not attend the hearing and did not prove its claims.

Dated November 12, 2008.



Suzanne Jackson
Dispute Resolution Officer

Landlord's Application for Dispute Resolution

For RTB use only: File # 727 954

- ☐ This application is being made under the *Manufactured Home Park Tenancy Act*
☒ This application is being made under the *Residential Tenancy Act*

Landlord(s) (Applicant(s): The person asking for dispute resolution)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

The Hildon Hotel

Last name or the full legal business name

First and middle names

Last name (if more than one landlord, also use form #RTB-26)

First and middle names

Applicant Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

102 50 West Cordova STREET Vancouver BC V6B 1C9
Unit/site # Street # and street name City Province Postal Code
604 6875427 604 4089595

Daytime phone number

Other phone number

Fax number for document service

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Applicants to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Applicant Address, and it is attached.

Dispute Address (address of the rental unit or manufactured home site)

s.22 50 West Cordova STREET Vancouver BC V6B 1C9
Unit/site # Street # and street name City Province Postal Code
s.22

Tenant(s) (Respondent(s): The other party to the dispute)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB

s.22

Last name

First and middle names

Last name

First and middle names

Respondent Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

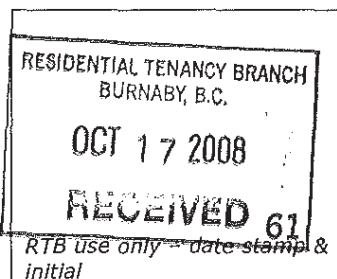
s.22

Unit/site # Street # and street name City Province Postal Code
Daytime phone number Other phone number Fax number for document service

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Respondents to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Respondent Address, and it is attached.

TO FILE THIS APPLICATION:

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 - RTB Kelowna: 101-2141 Springfield Road
 - RTB Victoria: 1st floor, 1019 Wharf Street
 - Any Service BC-Government Agents Office
- Applications may also be submitted online at www.rto.gov.bc.ca.
- Do not give a copy of your Application to the Respondent(s) until the Residential Tenancy Branch accepts it and you have paid the application fee or obtained a fee waiver.



Office of Housing and Construction Standards

Residential Tenancy Branch

Lower Mainland: 604-660-1020 Victoria: 250-387-1602 Elsewhere in BC: 1-800-665-8779

Website: www.rto.gov.bc.ca

HOU-2011-00031
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Landlord's Application for Dispute Resolution

Page 2

For RTB use only: File # _____

Nature of the Dispute

Ending tenancy, and seeking an Order of Possession:

Notice to End Tenancy

When the dispute involves a *Notice to End Tenancy*, the *Notice to End Tenancy* must be given to the tenant before applying for Dispute Resolution **and** the *Notice to End Tenancy* must be submitted to the Residential Tenancy Branch.

Date the *Notice to End Tenancy* referred to in this Application was served: September 02 2008

How was it served? By Hand

Reason for ending tenancy:

- ☐ Employment with landlord has ended OPE
- ☒ The tenant has not paid rent or utilities OPR
- ☐ The landlord wants the unit or property for another use OPL
- ☐ The landlord has cause, as described in the Act, regulation (state section in the 'Details of the Dispute' box below), or tenancy agreement (provide a copy) OPC
- ☐ The tenant does not qualify for subsidized housing OPQ
- ☐ The tenant has breached an agreement with the landlord (provide a copy of agreement) OPB

Monetary Order:

- ☐ For damage to the unit, site or property MND
- ☒ For unpaid rent or utilities MNR
- ☒ To keep all or part of pet damage deposit or security deposit MNSD
- ☐ For money owed or compensation for damage or loss under the Act, regulation or tenancy agreement MNDC

The request for a Monetary Order is for the following amount:

Provide a detailed calculation of the amount in the 'Details of the Dispute' box below.

\$ ~~1425~~ 2250

Other

- ☐ Recover filing fee from the tenant for the cost of this application FF
- ☐ Serve documents or evidence in a different way than required by the Act SS
- ☐ End Tenancy Early **and** obtain an Order of Possession ET
- ☐ Other (provide details in the 'Details of the Dispute' box below) O

Details of the Dispute

In two or three sentences, describe the issue. Include any dates, times, people or other information that says who, what, where and when the issue arose or the event occurred. When you are asking for a Monetary Order, include a detailed calculation. Attach a separate sheet if necessary. Any additional sheets must be signed.

s.22 had a deal brokered between us and s.22 was considerably late on rent payments for several months. The deal was signed by s.22 and s.22 has not honored the agreement and still not paid back rent or current rent. For outstanding as of Sept 30, Oct & Nov. Plus Damage Deposit.

Signature: _____

Date: October 7 2008

Print name: _____

Paul Roberts



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Burnaby File No. 728187
Decision Date: 2009-01-21

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78., as amended

between

s.22

Tenant(s),

Applicant(s)

and

Hotel Bourbon, Landlord(s),

Respondent(s)

Regarding a rental unit at:

s.22

50 West Cordova Street, Vancouver, British Columbia

Date of hearing: January 21, 2009, by conference call.

Attending:

For the landlord: Paul Roberts

For the tenant: No one

DECISION

Dispute Codes: MT, CNC

This matter was set for a conference call hearing at 10:00 a.m. on this date. As the applicant did not call into the conference call, this application is dismissed.

During the hearing, the landlord requested for an order of possession. I find that the landlord is entitled to an order of possession. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Dated January 21, 2009.

A handwritten signature in black ink, appearing to read 'E. Nee', with a horizontal line drawn underneath it.

E. Nee
Dispute Resolution Officer

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78., as amended

Between

s.22

Tenant(s),

Applicant(s)

And

Hotel Bourbon, Landlord(s),

Respondent(s)

Regarding a rental unit at:

s.22

50 West Cordova Street, Vancouver, British Columbia

Date of hearing: January 21, 2009, by conference call.

ORDER

I AUTHORIZE AND COMMAND YOU, s.22

Tenant(s) to deliver

full and peaceable vacant possession and occupation of the above noted rental unit to

Hotel Bourbon, Landlord(s) not later than **two (2) days** after service of this order upon you.

Dated January 21, 2009.



E. Nee
Dispute Resolution Officer

Tenant's Application for Dispute Resolution

For RTB use only: File # 728187

- ☐ This application is being made under the *Manufactured Home Park Tenancy Act*
☒ This application is being made under the *Residential Tenancy Act*

Tenant(s) (Applicant(s): The person asking for dispute resolution)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

s.22

Last name

First and middle names

Last name

First and middle names

Applicant Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

s.22

Unit/site #

Street # and street name

City

Province

Postal Code

s.22

Daytime phone number

Other phone number

Fax number for document service

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Applicants to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Applicant Address, and it is attached.

Dispute Address (address of the rental unit or manufactured home site)

s.22

Unit/site #

Street # and street name

City

Province

Postal Code

Landlord(s) (Respondent(s): The other party to the dispute)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

Last name or full legal business name

First and middle names

Last name (if more than one landlord, also use form #RTB-26)

First and middle names

Respondent Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

Unit/site #

Street # and street name

City

Province

Postal Code

Daytime phone number

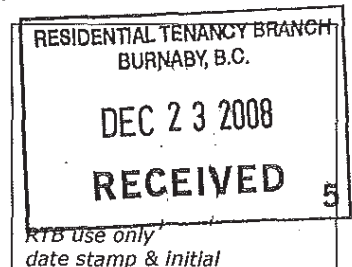
Other phone number

Fax number for document service

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Respondents to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Respondent Address, and it is attached.

TO FILE THIS APPLICATION:

- On this page, fill in the information boxes.
- On page 2, check the boxes that apply to your request, provide details and sign at the bottom.
- Submit your application in-person at:
 - RTB Burnaby: 400 – 5021 Kingsway Avenue
 - RTB Kelowna: 101–2141 Springfield Road
 - RTB Victoria: 1st floor, 1019 Wharf Street
 - Any Service BC–Government Agents Office
- Applications may also be submitted online at www.rto.gov.bc.ca.
- Do not give a copy of your Application to the Respondent(s) until the Residential Tenancy Branch accepts it and you have paid the application fee or obtained a fee waiver.



Office of Housing and Construction Standards

Residential Tenancy Branch
Lower Mainland: 604-660-1020 Victoria: 250-387-1602 Elsewhere in BC: 1-800-665-8779
Website: www.rto.gov.bc.ca

#RTB-12-T (2007/10)



The Best Place on Earth
HOU-2011-00031
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For RTB use only: File # 728187

Nature of the Dispute

More time needed for application process

- ☒ Allow a tenant more time to make an application to cancel a *Notice to End Tenancy* Dec. 10/08. MT
Date the *Notice to End Tenancy* was received: _____

Dispute an additional rent increase

- ☐ Dispute an additional rent increase DRI

Cancel a *Notice to End Tenancy* issued for the following reason:

- ☐ Tenant does not qualify for subsidized housing CNQ
☐ Tenant's employment with landlord has ended CNE
☒ Cause (state provision of the Act in the 'Details of the Dispute' box below) CNC
☐ Landlord's intention to convert manufactured home park to another use CNLC
☐ Landlord's use of rental property CNL
☐ Unpaid rent or utilities CNR

Monetary Order for the following reason:

- ☐ Cost of emergency repairs MNR
☐ Money owed or compensation for damage or loss under the Act, regulation or tenancy agreement MNDC
☐ Return of all or part of pet damage deposit or security deposit MNSD

The request for a Monetary Order is for the following amount:

Provide a detailed calculation of the amount in the 'Details of the Dispute' box below. \$

Landlord's action sought

- ☐ Comply with the Act, regulation (state section in the 'Details of the Dispute' box below), or tenancy agreement (provide a copy) OLC
☐ Make emergency repairs for health or safety reasons ERP
☐ Make repairs to the unit, site or property RP
☐ Provide services or facilities required by law (state Act and section in the 'Details of the Dispute' box below) PSF
☐ Return the tenant's personal property RPP
☐ Suspend or set conditions on the landlord's right to enter the rental unit LRE

Tenant's action sought

- ☐ Obtain an Order of Possession of the rental unit or site OPT
☐ Allow access to (or from) the unit or site for the tenant or the tenant's guests AAT
☐ Authorize a tenant to change the locks to the rental unit LAT
☐ Allow a tenant to assign or sublet because the landlord's permission has been unreasonably withheld AS
☐ Allow a tenant to reduce rent for repairs, services or facilities agreed upon but not provided RR

Other

- ☐ Recover filing fee from the landlord for the cost of this application FF
☐ Serve documents or evidence in a different way than required by the Act SS
☐ Other (provide details in the 'Details of the Dispute' box below) O

Details of the Dispute

In two or three sentences, describe the issue. Include any dates, times, people or other information that says who, what, where and when the issue arose or the event occurred. When the dispute includes a request for a Monetary Order, include a detailed calculation. Attach a separate sheet if necessary. Any additional sheets must be signed.

s.22 *see attached*
Refused payment, even though he said I could pay in
but, the next day.

s.22

Signature: _____

Date: Dec. 22, 2008

Print name: _____

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78., as amended

Between

s.22

Tenant(s),

Applicant(s)

And

Glen Miller, Bourbon Hotel, Landlord(s),

Respondent(s)

Re: An application pursuant to sections 49, 62, 65, of the *Residential Tenancy Act* regarding the premises at:

s.22

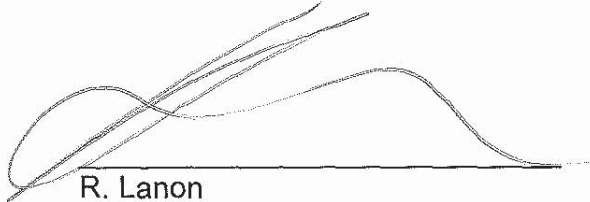
50 West Cordova St., Vancouver, British Columbia

Date of hearing: June 25, 2009, by conference call.

ORDER

I AUTHORIZE AND COMMAND YOU, ^{s.22} **Tenant(s)** to deliver full and peaceable vacant possession and occupation of the above noted rental unit to **Glen Miller, Bourbon Hotel, Landlord(s)** on or before **1:00 p.m. on June 28, 2009.**

Dated June 25, 2009.



R. Lanon
Dispute Resolution Officer

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78., as amended

between

s.22

Tenant(s),

Applicant(s)

and

Glen Miller, Bourbon Hotel, Landlord(s),

Respondent(s)

Re: An application pursuant to sections 49, 62, 65, of the *Residential Tenancy Act* regarding the rental unit at:

s.22

50 West Cordova St., Vancouver, British Columbia

Date of hearing: June 25, 2009, by conference call.

Appearances: s.22

Glen Miller, for the landlord

DECISION AND REASONS

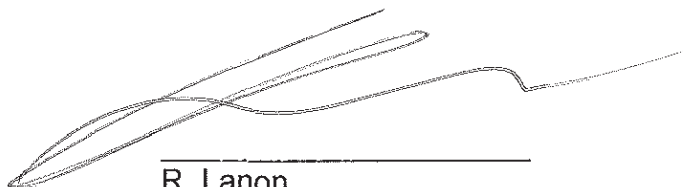
This hearing was convened in response to an application by the tenant to cancel a Notice to End Tenancy for Unpaid Rent, for the Landlord to comply with the Act, and for the return of the tenant's personal property. Both parties appeared in the conference call and participated in the hearing. In the hearing the landlord verbally requested an Order of Possession.

During the course of the hearing, the parties reached an agreement to settle these matters, on the following conditions:

1. the tenant will vacate the rental unit on June 28, 2009 and the tenancy will end.
2. the tenant will receive an Order of Possession effective June 28, 2009.
3. if the tenant does not move on June 28, 2009 the landlord will serve an order of possession on the tenant, and the tenancy will end.

I grant the landlord an Order of Possession, effective June 28, 2009. If the landlord serves the order of possession on the tenant and the tenant fails to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Dated June 25, 2009.

A handwritten signature in dark ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

R. Lanon
Dispute Resolution Officer

Tenant's Application for Dispute Resolution

For RTB use only: File #

733765

☐ This application is being made under the *Manufactured Home Park Tenancy Act*

☒ This application is being made under the *Residential Tenancy Act*

Tenant(s) (Applicant(s): The person asking for dispute resolution)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

Last name

s.22

First and middle names

Last name

First and middle names

Applicant Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

s.22

Unit/site #

Street # and street name

City

Province

Postal Code

Daytime phone number

Other phone number

Fax number for document service

☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Applicants to this application and it is attached.

☐ Yes, the **Mailing Address** is different from the Applicant Address, and it is attached.

Dispute Address (address of the rental unit or manufactured home site)

s.22

Unit/site #

Street # and street name

City

Province

Postal Code

Landlord(s) (Respondent(s): The other party to the dispute)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

Last name or full legal business name

First and middle names

Last name (if more than one landlord, also use form #RTB-26)

First and middle names

Respondent Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

Unit/site #

Street # and street name

City

Province

Postal Code

Daytime phone number

Other phone number

Fax number for document service

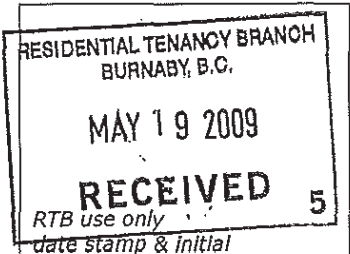
☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Respondents to this application and it is attached.

☐ Yes, the **Mailing Address** is different from the Respondent Address, and it is attached.

TO FILE THIS APPLICATION:

1. On this page, fill in the information boxes.
2. On page 2, check the boxes that apply to your request, provide details and sign at the bottom.
3. Submit your application in-person at:

- RTB Burnaby: 400 – 5021 Kingsway Avenue
- RTB Kelowna: 101-2141 Springfield Road
- RTB Victoria: 1st floor, 1019 Wharf Street
- Any Service BC-Government Agents Office
- Applications may also be submitted online at www.rto.gov.bc.ca.
- Do not give a copy of your Application to the Respondent(s) until the Residential Tenancy Branch accepts it and you have paid the application fee or obtained a fee waiver.



Office of Housing and Construction Standards

Residential Tenancy Branch

Lower Mainland: 604-660-1020 Victoria: 250-387-1602 Elsewhere in BC: 1-800-665-8779

Website: www.rto.gov.bc.ca

#RTB-12-T (2007/10)



For RTB use only: File #

733705

Nature of the Dispute

More time needed for application process

- ☒ Allow a tenant more time to make an application to cancel a *Notice to End Tenancy* MT
Date the *Notice to End Tenancy* was received: May 8, 2009

Dispute an additional rent increase

- ☐ Dispute an additional rent increase DRI

Cancel a *Notice to End Tenancy* issued for the following reason:

- ☐ Tenant does not qualify for subsidized housing CNQ
☐ Tenant's employment with landlord has ended CNE
☐ Cause (state provision of the Act in the 'Details of the Dispute' box below) CNC
☐ Landlord's intention to convert manufactured home park to another use CNLC
☐ Landlord's use of rental property CNL
☒ Unpaid rent or utilities CNR

Monetary Order for the following reason:

- ☐ Cost of emergency repairs MNR
☐ Money owed or compensation for damage or loss under the Act, regulation or tenancy agreement MNDC
☐ Return of all or part of pet damage deposit or security deposit MNSD

The request for a Monetary Order is for the following amount:

Provide a detailed calculation of the amount in the 'Details of the Dispute' box below.

\$

Landlord's action sought

- ☒ Comply with the Act, regulation (state section in the 'Details of the Dispute' box below), or tenancy agreement (provide a copy) OLC
☐ Make emergency repairs for health or safety reasons ERP
☐ Make repairs to the unit, site or property RP
☐ Provide services or facilities required by law (state Act and section in the 'Details of the Dispute' box below) PSF
☒ Return the tenant's personal property RPP
☐ Suspend or set conditions on the landlord's right to enter the rental unit LRE

Tenant's action sought

- ☐ Obtain an Order of Possession of the rental unit or site OPT
☐ Allow access to (or from) the unit or site for the tenant or the tenant's guests AAT
☐ Authorize a tenant to change the locks to the rental unit LAT
☐ Allow a tenant to assign or sublet because the landlord's permission has been unreasonably withheld AS
☐ Allow a tenant to reduce rent for repairs, services or facilities agreed upon but not provided RR

Other

- ☐ Recover filing fee from the landlord for the cost of this application FF
☐ Serve documents or evidence in a different way than required by the Act SS
☐ Other (provide details in the 'Details of the Dispute' box below) O

Details of the Dispute

In two or three sentences, describe the issue. Include any dates, times, people or other information that says who, what, where and when the issue arose or the event occurred. When the dispute includes a request for a Monetary Order, include a detailed calculation. Attach a separate sheet if necessary. Any additional sheets must be signed.

I didn't pay my rent on ~~the~~ May 1st, I wrote a letter to Glen Miller May 7th apologizing and letting him know on May 27th I would pay May + June's rents. He has locked me out of my room May 19th.

s.22

Signature:

Date: May 19, 2009

Print name



Dispute Resolution Services
Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Burnaby File No. 733761
Decision Date: 2009-06-04

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78., as amended

between

s.22

Tenant,

Applicant

And

BOURBON HOTEL, Landlord,

Respondent

Re: An application pursuant to sections 47, 67 of the *Residential Tenancy Act*
regarding the rental unit at:

Unit^{s.22} 50 West Cordova Street, Vancouver, British Columbia

Date of hearing: June 04, 2009, by conference call.

Appearances:

For the Landlord: Paul Roberts, Agent

For the Tenant : No one

DECISION AND REASONS

Dispute Codes:

CNC, MNDC

Introduction

This hearing dealt with an application by the tenant for an order to cancel the notice to end tenancy for cause, pursuant to Section 47 of the *Residential Tenancy Act*. The tenant also applied for a monetary order for compensation for loss under the *Act*.

The tenant who is the applicant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions. On the basis of the solemnly affirmed evidence presented at the hearing, a decision has been reached.

Issues

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord served the tenant with a notice to end tenancy for cause on April 20, 2009 with an effective date of June 01, 2009. The landlord stated that it appears that the tenant is no longer living in the unit, but has not removed his belongings. The landlord requested for an order of possession.

The conference call line was held open for ten minutes, but the applicant failed to appear.

Analysis

The tenant applied to cancel the notice to end tenancy, but did not attend the hearing. In the absence of the tenant's testimony to cancel the notice, the notice to end tenancy is upheld and the tenant's application to cancel the notice to end tenancy is dismissed.

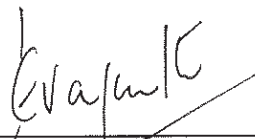
During the hearing the landlord made a request under section 55 of the legislation for an order of possession. Under the provisions of section 55(1), upon the request of a landlord, I must issue an order of possession when I have upheld a notice to end tenancy. Accordingly, I so order.

The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Conclusion

The notice to end tenancy is upheld and the tenant's application to cancel the notice to end tenancy and for compensation, is dismissed. The landlord is granted an order of possession effective two days after service on the tenant.

Dated June 04, 2009.



E. Nazareth
Dispute Resolution Officer

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78., as amended

Between

s.22

Tenant,

Applicant

And

BOURBON HOTEL, Landlord,

Respondent

Re: An application pursuant to sections 47, 67 of the *Residential Tenancy Act* regarding the rental unit at:

Unit^{s.22} **50 West Cordova Street, Vancouver, British Columbia**

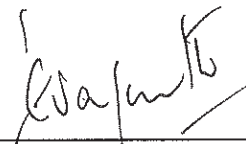
Date of hearing: June 04, 2009, by conference call.

ORDER

I AUTHORIZE AND COMMAND YOU,^{s.22} Tenant to

deliver full and peaceable vacant possession and occupation of the above noted rental unit to, **BOURBON HOTEL**, Landlord not later than **two (2) days** after service of this order upon you.

Dated June 04, 2009.



E. Nazareth
Dispute Resolution Officer

Tenant's Application for Dispute Resolution

For RTB use only: File #

733761

☐ This application is being made under the *Manufactured Home Park Tenancy Act*

☒ This application is being made under the *Residential Tenancy Act*

Tenant(s) (Applicant(s): The person asking for dispute resolution)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

s.22

Last name

First and middle names

Last name

First and middle names

Applicant Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

s.22

Unit/site #

Street # and street name

City

Province

Postal Code

s.22

Daytime phone number

Other phone number

Fax number for document service

☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Applicants to this application and it is attached.

☐ Yes, the **Mailing Address** is different from the Applicant Address, and it is attached.

Dispute Address (address of the rental unit or manufactured home site)

s.22

50 West Cordova

Sheet

Vancouver

BC

V6B 1C9

Unit/site #

Street # and street name

City

Province

Postal Code

Landlord(s) (Respondent(s): The other party to the dispute)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

Bourbon Hotel

Last name or full legal business name

First and middle names

Last name (if more than one landlord, also use form #RTB-26)

First and middle names

Respondent Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

102

50 West Cordova

Sheet

Vancouver

BC

V6B 1C9

Unit/site #

Street # and street name

City

Province

Postal Code

Daytime phone number

Other phone number

Fax number for document service

☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Respondents to this application and it is attached.

☐ Yes, the **Mailing Address** is different from the Respondent Address, and it is attached.

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- Do not give a copy of your Application to the Respondent(s) until the Residential Tenancy Branch accepts it and you have paid the application fee or obtained a fee waiver.

RESIDENTIAL TENANCY BRANCH
BURNABY, B.C.

APR 30 2009

RECEIVED
date stamp & initial

Office of Housing and Construction Standards

Residential Tenancy Branch

Lower Mainland: 604-660-1020 Victoria: 250-387-1602 Elsewhere in BC: 1-800-665-8779

Website: www.rto.gov.bc.ca

#RTB-12-T (2007/10)



BRITISH
COLUMBIA
The Best Place on Earth

733761

Nature of the Dispute

More time needed for application process

- ☐ Allow a tenant more time to make an application to cancel a *Notice to End Tenancy* MT
Date the *Notice to End Tenancy* was received: _____

Dispute an additional rent increase

- ☐ Dispute an additional rent increase DRI

Cancel a *Notice to End Tenancy* issued for the following reason:

- ☐ Tenant does not qualify for subsidized housing CNQ
☐ Tenant's employment with landlord has ended CNE
☒ Cause (state provision of the Act in the 'Details of the Dispute' box below) CNC
☐ Landlord's intention to convert manufactured home park to another use CNLC
☐ Landlord's use of rental property CNL
☐ Unpaid rent or utilities CNR

Monetary Order for the following reason:

- ☐ Cost of emergency repairs MNR
☒ Money owed or compensation for damage or loss under the Act, regulation or tenancy agreement MNDC
☐ Return of all or part of pet damage deposit or security deposit MNSD

The request for a Monetary Order is for the following amount:

Provide a detailed calculation of the amount in the 'Details of the Dispute' box below.

\$

Landlord's action sought

- ☐ Comply with the Act, regulation (state section in the 'Details of the Dispute' box below), or tenancy agreement (provide a copy) OLC
☐ Make emergency repairs for health or safety reasons ERP
☐ Make repairs to the unit, site or property RP
☐ Provide services or facilities required by law (state Act and section in the 'Details of the Dispute' box below) PSF
☐ Return the tenant's personal property RPP
☐ Suspend or set conditions on the landlord's right to enter the rental unit LRE

Tenant's action sought

- ☐ Obtain an Order of Possession of the rental unit or site OPT
☐ Allow access to (or from) the unit or site for the tenant or the tenant's guests AAT
☐ Authorize a tenant to change the locks to the rental unit LAT
☐ Allow a tenant to assign or sublet because the landlord's permission has been unreasonably withheld AS
☐ Allow a tenant to reduce rent for repairs, services or facilities agreed upon but not provided RR

Other

- ☐ Recover filing fee from the landlord for the cost of this application FF
☐ Serve documents or evidence in a different way than required by the Act SS
☐ Other (provide details in the 'Details of the Dispute' box below) O

Details of the Dispute

In two or three sentences, describe the issue. Include any dates, times, people or other information that says who, what, where and when the issue arose or the event occurred. When the dispute includes a request for a Monetary Order, include a detailed calculation. Attach a separate sheet if necessary. Any additional sheets must be signed.

Landlord did not use correct form required by legislation. Tenant is also disputing cause. Tenant is also seeking compensation for loss of peaceful enjoyment.

s.22

Signature: _____

s.22

Date: _____

30 APR 2009

Print name: _____

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78., as amended

between

s.22

Tenant(s),

Applicant(s)

and

HILDON HOTEL, Landlord(s),

Respondent(s)

Re: An application pursuant to section 47 of the *Residential Tenancy Act* regarding the rental unit at:

s.22 **50 W CORDOVA STREET, VANCOUVER, British Columbia**

Date of hearing: December 17, 2008, by conference call.

DECISION AND REASONS

Appearances:

For the applicant: ABSENT

For the respondent: PAUL ROBERTS

No hearing was held because even though I waited until well past the time at which the hearing was to start, the applicant did not join the conference call that was set up for the hearing.

I therefore dismiss this application without leave to re-apply.

At the request of the landlord an order of possession has been issued for 12:00 noon on December 20, 2008.

Dated December 17, 2008.

J. C. WAKEFIELD C.Arb.
Dispute Resolution Officer

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78., as amended

Between

s.22

Tenant(s),

Applicant(s)

And

HILDON HOTEL, Landlord(s),

Respondent(s)

Re: An application pursuant to section 47 of the *Residential Tenancy Act* regarding the rental unit at:

s.22

50 W CORDOVA STREET, VANCOUVER, British Columbia

Date of hearing: December 17, 2008, by conference call.

ORDER

I do hereby Order that the tenant(s) deliver full and peaceable vacant possession and occupation of the said residential premises to the landlord(s), at 12:00 noon on December 20, 2008.

THIS ORDER MUST BE SERVED ON THE TENANT(S).

Dated December 17, 2008.

J. C. WAKEFIELD C.Arb.
Dispute Resolution Officer

Tenant's Application for Dispute Resolution

For RTB use only: File # 728404

- ☐ This application is being made under the *Manufactured Home Park Tenancy Act*
☒ This application is being made under the *Residential Tenancy Act*

Tenant(s) (Applicant(s): The person asking for dispute resolution)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

s.22

Last name

First and middle names

Last name

First and middle names

Applicant Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

s.22

Unit/site #

Street # and street name

City

Province

Postal Code

s.22

Daytime phone number

Other phone number

Fax number for document service

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Applicants to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Applicant Address, and it is attached.

Dispute Address (address of the rental unit or manufactured home site)

s.22

Unit/site #

50 W. Cordova street

Street # and street name

Vancouver

City

BC

Province

V6B 1C9

Postal Code

Landlord(s) (Respondent(s): The other party to the dispute)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

Hildon Hotel

Last name or full legal business name

First and middle names

Miller

Glen

Last name (if more than one landlord, also use form #RTB-26)

First and middle names

Respondent Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

Unit/site #

50 W. Cordova

Street # and street name

Vancouver

City

BC

Province

V6B 1C9

Postal Code

604

687-5427

Daytime phone number

Other phone number

Fax number for document service

604

408-9595

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Respondents to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Respondent Address, and it is attached.

TO FILE THIS APPLICATION:

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RESIDENTIAL TENANCY BRANCH
BURNABY, B.C.

DEC 01 2008

RECEIVED 28

RTB use only
date stamp & initial

Office of Housing and Construction Standards

Residential Tenancy Branch

Lower Mainland: 604-660-1020 Victoria: 250-387-1602 Elsewhere in BC: 1-800-665-8779

Website: www.rto.gov.bc.ca

#RTB-12-T (2007/10)



BRITISH
COLUMBIA

How Best to Protect Earth
Page 97

For RTB use only: File # 728404

Nature of the Dispute

More time needed for application process

- ☒ Allow a tenant more time to make an application to cancel a Notice to End Tenancy MT
Date the Notice to End Tenancy was received: Oct 26 / 2008

Dispute an additional rent increase

- ☐ Dispute an additional rent increase DRI

Cancel a Notice to End Tenancy issued for the following reason:

- ☐ Tenant does not qualify for subsidized housing CNQ
☐ Tenant's employment with landlord has ended CNE
☒ Cause (state provision of the Act in the 'Details of the Dispute' box below) CNC
☐ Landlord's intention to convert manufactured home park to another use CNLC
☐ Landlord's use of rental property CNL
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Monetary Order for the following reason:

- ☐ Cost of emergency repairs MNR
☐ Money owed or compensation for damage or loss under the Act, regulation or tenancy agreement MNDC
☐ Return of all or part of pet damage deposit or security deposit MNSD

The request for a Monetary Order is for the following amount:

Provide a detailed calculation of the amount in the 'Details of the Dispute' box below.

\$

Landlord's action sought

- ☐ Comply with the Act, regulation (state section in the 'Details of the Dispute' box below), or tenancy agreement (provide a copy) OLC
☐ Make emergency repairs for health or safety reasons ERP
☐ Make repairs to the unit, site or property RP
☐ Provide services or facilities required by law (state Act and section in the 'Details of the Dispute' box below) PSF
☐ Return the tenant's personal property RPP
☐ Suspend or set conditions on the landlord's right to enter the rental unit LRE

Tenant's action sought

- ☐ Obtain an Order of Possession of the rental unit or site OPT
☐ Allow access to (or from) the unit or site for the tenant or the tenant's guests AAT
☐ Authorize a tenant to change the locks to the rental unit LAT
☐ Allow a tenant to assign or sublet because the landlord's permission has been unreasonably withheld AS
☐ Allow a tenant to reduce rent for repairs, services or facilities agreed upon but not provided RR

Other

- ☐ Recover filing fee from the landlord for the cost of this application FF
☐ Serve documents or evidence in a different way than required by the Act SS
☐ Other (provide details in the 'Details of the Dispute' box below) O

Details of the Dispute

In two or three sentences, describe the issue. Include any dates, times, people or other information that says who, what, where and when the issue arose or the event occurred. When the dispute includes a request for a Monetary Order, include a detailed calculation. Attach a separate sheet if necessary. Any additional sheets must be signed.

Glen Miller, the manager of the Hildon Hotel, gave me an eviction notice. One week later, he told me to rip the notice up, because I could stay. For this reason, I didn't feel that it was necessary to file for dispute resolution, until he came up to my room a few days ago and told me I had to leave by December 1st. Mr. Miller has also cashed my rent check for the month of December. I am requesting an extension on time to apply and that the notice to end tenancy be set aside for the above reasons.

s.22

Signature

ate: December 1st 2008

Print name

In the matter of the *Residential Tenancy Act*, S.B.C. 2002, c. 78.

between

The Hildon Hotel, Landlord(s),

Applicant(s)

and

s.22

Tenant(s),

Respondent(s)

Re: An application pursuant to sections 67 55 38 of the *Residential Tenancy Act*
regarding the premises at:

s.22 **50 West Cordova Street, Vancouver, British Columbia**

Date of hearing: November 12, 2008, by conference call.

DECISION AND REASONS

This application is dismissed with leave to reapply because neither party attend the
hearing by 11:15 a.m. November 12th, 2008.

Dated November 12, 2008.


Suzanne Jackson
Dispute Resolution Officer

Landlord's Application for Dispute Resolution

For RTB use only: File # 725796

- ☐ This application is being made under the *Manufactured Home Park Tenancy Act*
☒ This application is being made under the *Residential Tenancy Act*

Landlord(s) (Applicant(s): The person asking for dispute resolution)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

The Hildon Hotel	
Last name or the full legal business name	First and middle names
Last name (if more than one landlord, also use form #RTB-26)	First and middle names

Applicant Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)
s.22

50 West Cordova Street	Vancouver	BC	V6B 1C9	
Unit/site #	Street # and street name	City	Province	Postal Code
604	6875427			604 4089595

Daytime phone number Other phone number Fax number for document service

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Applicants to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Applicant Address, and it is attached.

Dispute Address (address of the rental unit or manufactured home site)

50 West Cordova Street	vancouver	BC	V6B 1C9	
Unit/site #	Street # and street name	City	Province	Postal Code

Tenant(s) (Respondent(s): The other party to the dispute)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

Last name	First and middle names
Last name	First and middle names

Respondent Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)
s.22

Unit/site #	Street # and street name	City	Province	Postal Code
Daytime phone number	Other phone number	Fax number for document service		

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Respondents to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Respondent Address, and it is attached.

TO FILE THIS APPLICATION:

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 - RTB Burnaby: 400 – 5021 Kingsway Avenue
 - RTB Kelowna: 101-2141 Springfield Road
 - RTB Victoria: 1st floor, 1019 Wharf Street
 - Any Service BC-Government Agents Office
- Applications may also be submitted online at www.rto.gov.bc.ca.
- Do not give a copy of your Application to the Respondent(s) until the Residential Tenancy Branch accepts it and you have paid the application fee or obtained a fee waiver.

RESIDENTIAL TENANCY BRANCH BURNABY, B.C. OCT 17 2008 RECEIVED 61 RTB use only – date stamp & initial

Office of Housing and Construction Standards

Residential Tenancy Branch
Lower Mainland: 604-660-1020 Victoria: 250-387-1602 Elsewhere in BC: 1-800-665-8779
Website: www.rto.gov.bc.ca

Landlord's Application for Dispute Resolution

Page 2

For RTB use only: File # 725 796

Nature of the Dispute

Ending tenancy, and seeking an Order of Possession:

Notice to End Tenancy

When the dispute involves a *Notice to End Tenancy*, the *Notice to End Tenancy* must be given to the tenant before applying for Dispute Resolution **and** the *Notice to End Tenancy* must be submitted to the Residential Tenancy Branch.

Date the *Notice to End Tenancy* referred to in this Application was served: August 20 2008

How was it served? By HAND

Reason for ending tenancy:

- ☐ Employment with landlord has ended OPE
- ☒ The tenant has not paid rent or utilities OPR
- ☐ The landlord wants the unit or property for another use OPL
- ☐ The landlord has cause, as described in the Act, regulation (state section in the 'Details of the Dispute' box below), or tenancy agreement (provide a copy) OPC
- ☐ The tenant does not qualify for subsidized housing OPQ
- ☐ The tenant has breached an agreement with the landlord (provide a copy of agreement) OPB

Monetary Order:

- ☐ For damage to the unit, site or property MND
- ☒ For unpaid rent or utilities MNR
- ☐ To keep all or part of pet damage deposit or security deposit MNSD
- ☐ For money owed or compensation for damage or loss under the Act, regulation or tenancy agreement MNDC

The request for a Monetary Order is for the following amount:

Provide a detailed calculation of the amount in the 'Details of the Dispute' box below.

\$ 1075

Other

- ☐ Recover filing fee from the tenant for the cost of this application FF
- ☐ Serve documents or evidence in a different way than required by the Act SS
- ☐ End Tenancy Early **and** obtain an Order of Possession ET
- ☐ Other (provide details in the 'Details of the Dispute' box below) O

Details of the Dispute

In two or three sentences, describe the issue. Include any dates, times, people or other information that says who, what, where and when the issue arose or the event occurred. When you are asking for a Monetary Order, include a detailed calculation. Attach a separate sheet if necessary. Any additional sheets must be signed.

s.22 has been given 3 letters notifying s.22 of late rent on various occasions and 6 notices to end tenancy. The last being on August 20 2008 for an October 1 2008 eviction. As of October 7 has still not left the unit. We wish to have s.22 eviction enforced.

For SEPT, Oct Rent + Damage DEP.

Signature: Paul Roberts

Date: October 7 2008

Print name: Paul Roberts

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78.

between

s.22

Tenant(s),

Applicant(s)

and

HOTEL BOURBON AND C. HORVAT, Landlord(s),

Respondent(s)

Re: An application pursuant to sections 47 and 55 of the *Residential Tenancy Act* regarding the premises at:

s.22

56 West Cordova St., Vancouver, British Columbia

Date of hearing: January 09, 2008, by conference call.

DECISION AND REASONS

ATTENDANCE: No one attended

Pursuant to the Residential Tenancy Act, R.S.B.C. and amendments thereto I was designated to hear this matter under section 58. This hearing dealt with an application pursuant to the *Residential Tenancy Act* SBC 1996 ("the Act") in respect of the above-noted tenancy and was set for 11:00 a.m on January 9, 2008. By 11:15a.m., no one had attended the conference call.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

Accordingly, **in the absence of any evidence or submissions I order the application dismissed with liberty to reapply.** I make no findings on the merits of the matter. Liberty to reapply is not an extension of any applicable limitation period

Dated January 09, 2008.


M. BRUCE
Dispute Resolution Officer

Tenant's Application for Dispute Resolution

For RTB use only: File #

708 646

- ☐ This application is being made under the *Manufactured Home Park Tenancy Act*
☒ This application is being made under the *Residential Tenancy Act*

Tenant(s) (Applicant(s): The person asking for dispute resolution)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

Last name

s.22

First and middle names

Last name

First and middle names

Applicant Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

s.22

Unit/site #

Street # and street name

City

Province

Postal Code

s.22

Daytime phone number

Other phone number

Fax number for document service

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Applicants to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Applicant Address, and it is attached.

Dispute Address (address of the rental unit or manufactured home site)

s.22

Unit/site #

56 West Cordova St.

Street # and street name

Vancouver

City

BC

Province

V6B 1C9

Postal Code

Landlord(s) (Respondent(s): The other party to the dispute)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

Last name or full legal business name

First and middle names

Hotel Bourbon - C. Horvat

Last name (if more than one landlord, also use form #RTB-26)

First and middle names

Respondent Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

s.22

Unit/site #

50 West Cordova St

Street # and street name

Vancouver

City

BC

Province

V6B 1C9

Postal Code

604

687-5427

Daytime phone number

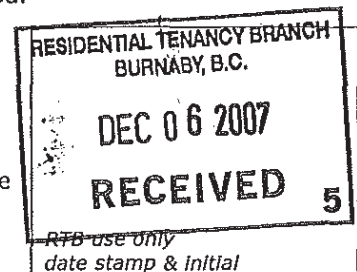
Other phone number

Fax number for document service

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Respondents to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Respondent Address, and it is attached.

TO FILE THIS APPLICATION:

- On this page, fill in the information boxes.
- On page 2, check the boxes that apply to your request, provide details and sign at the bottom.
- Submit your application in-person at:
 - RTB Burnaby: 400 – 5021 Kingsway Avenue
 - RTB Kelowna: 101–2141 Springfield Road
 - RTB Victoria: 1st floor, 1019 Wharf Street
 - Any Service BC–Government Agents Office
- Applications may also be submitted online at www.rto.gov.bc.ca.
- Do not give a copy of your Application to the Respondent(s) until the Residential Tenancy Branch accepts it and you have paid the application fee or obtained a fee waiver.



Office of Housing and Construction Standards

Residential Tenancy Branch

Lower Mainland: 604-660-1020 Victoria: 250-387-1602 Elsewhere in BC: 1-800-665-8779

Website: www.rto.gov.bc.ca

#RTB-12-T (2007/10)

Nature of the Dispute

More time needed for application process

- ☐ Allow a tenant more time to make an application to cancel a *Notice to End Tenancy* MT
Date the *Notice to End Tenancy* was received: _____

Dispute an additional rent increase

- ☐ Dispute an additional rent increase DRI

Cancel a *Notice to End Tenancy* issued for the following reason:

- ☐ Tenant does not qualify for subsidized housing CNQ
☐ Tenant's employment with landlord has ended CNE
☒ Cause (state provision of the Act in the 'Details of the Dispute' box below) CNC
☐ Landlord's intention to convert manufactured home park to another use CNLC
☐ Landlord's use of rental property CNL
☐ Unpaid rent or utilities CNR

Monetary Order for the following reason:

- ☐ Cost of emergency repairs MNR
☐ Money owed or compensation for damage or loss under the Act, regulation or tenancy agreement MNDC
☐ Return of all or part of pet damage deposit or security deposit MNSD

The request for a Monetary Order is for the following amount:

Provide a detailed calculation of the amount in the 'Details of the Dispute' box below.

\$

Landlord's action sought

- ☐ Comply with the Act, regulation (state section in the 'Details of the Dispute' box below), or tenancy agreement (provide a copy) OLC
☐ Make emergency repairs for health or safety reasons ERP
☐ Make repairs to the unit, site or property RP
☐ Provide services or facilities required by law (state Act and section in the 'Details of the Dispute' box below) PSF
☐ Return the tenant's personal property RPP
☐ Suspend or set conditions on the landlord's right to enter the rental unit LRE

Tenant's action sought

- ☒ Obtain an Order of Possession of the rental unit or site OPT
☐ Allow access to (or from) the unit or site for the tenant or the tenant's guests AAT
☐ Authorize a tenant to change the locks to the rental unit LAT
☐ Allow a tenant to assign or sublet because the landlord's permission has been unreasonably withheld AS
☐ Allow a tenant to reduce rent for repairs, services or facilities agreed upon but not provided RR

Other

- ☐ Recover filing fee from the landlord for the cost of this application FF
☐ Serve documents or evidence in a different way than required by the Act SS
☐ Other (provide details in the 'Details of the Dispute' box below) O

Details of the Dispute

In two or three sentences, describe the issue. Include any dates, times, people or other information that says who, what, where and when the issue arose or the event occurred. When the dispute includes a request for a Monetary Order, include a detailed calculation. Attach a separate sheet if necessary. Any additional sheets must be signed.

The landlord gave the Notice to me in the third week of November. He did not date the Notice, and told me I had to be out on the 1st of December. This is not legal.

He also provided no evidence as to why he was evicting me. I am not able to refute the allegations, as I do not know what they are.

Signature: s.22

Date: Dec. 6/07

Print name: Ken Poitras

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78.

between

THE HILDON HOTEL, Landlord(s),

Applicant(s)

and

s.22

Tenant(s),

Respondent(s)

Re: An application pursuant to sections 55 and 67 of the *Residential Tenancy Act* regarding the premises at:

s.22 - 50 West Cordova Street, VANCOUVER, British Columbia

Date of hearing: November 12, 2008, by conference call.

DECISION AND REASONS

The landlord applied for an Order for Possession and a Monetary Order for unpaid rent.

I have dismissed this application, with leave to reapply, because neither of the parties participated in the conference call hearing.

There is no order for costs.

As no further action is required the file will be closed accordingly.

Dated November 13, 2008.



A. LAFLEUR
Arbitrator

Landlord's Application for Dispute Resolution

For RTB use only: File # 725 787

- ☐ This application is being made under the *Manufactured Home Park Tenancy Act*
☒ This application is being made under the *Residential Tenancy Act*

Landlord(s) (Applicant(s): The person asking for dispute resolution)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

The Hildon Hotel	
Last name or the full legal business name	First and middle names

Last name (if more than one landlord, also use form #RTB-26)

First and middle names

Applicant Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

102	50 West Cordova STREET	Vancouver	BC	V6B 1C9
Unit/site #	Street # and street name	City	Province	Postal Code
604	6875427		604	4089595

Daytime phone number

Other phone number

Fax number for document service

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Applicants to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Applicant Address, and it is attached.

Dispute Address (address of the rental unit or manufactured home site)

s.22	50 West Cordova STREET	Vancouver	BC	V6B 1C9
Unit/site #	Street # and street name	City	Province	Postal Code

Tenant(s) (Respondent(s): The other party to the dispute)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

s.22				
Last name	First and middle names			

Last name

First and middle names

Respondent Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

s.22				
Unit/site #	Street # and street name	City	Province	Postal Code

Daytime phone number

Other phone number

Fax number for document service

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Respondents to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Respondent Address, and it is attached.

TO FILE THIS APPLICATION:

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- On page 2, check the boxes that apply to your request, provide details and sign at the bottom.
- Submit your application in-person at:
 - RTB Burnaby: 400 – 5021 Kingsway Avenue
 - RTB Kelowna: 101-2141 Springfield Road
 - RTB Victoria: 1st floor, 1019 Wharf Street
 - Any Service BC-Government Agents Office
- Applications may also be submitted online at www.rto.gov.bc.ca.
- Do not give a copy of your Application to the Respondent(s) until the Residential Tenancy Branch accepts it and you have paid the application fee or obtained a fee waiver.

RESIDENTIAL TENANCY BRANCH
BURNABY, B.C.

OCT 17 2008

RECEIVED 61

RTB use only – date stamp & initial

Office of Housing and Construction Standards

Residential Tenancy Branch

Lower Mainland: 604-660-1020 Victoria: 250-387-1602 Elsewhere in BC: 1-800-665-8779

Website: www.rto.gov.bc.ca



For RTB use only: File # 725 797

Nature of the Dispute

Ending tenancy, and seeking an Order of Possession:

Notice to End Tenancy

When the dispute involves a *Notice to End Tenancy*, the *Notice to End Tenancy* must be given to the tenant before applying for Dispute Resolution **and** the *Notice to End Tenancy* must be submitted to the Residential Tenancy Branch.

Date the *Notice to End Tenancy* referred to in this Application was served: September 03 2008

How was it served? By Hand

Reason for ending tenancy:

- ☐ Employment with landlord has ended OPE
- ☒ The tenant has not paid rent or utilities OPR
- ☐ The landlord wants the unit or property for another use OPL
- ☐ The landlord has cause, as described in the Act, regulation (state section in the 'Details of the Dispute' box below), or tenancy agreement (provide a copy) OPC
- ☐ The tenant does not qualify for subsidized housing OPQ
- ☐ The tenant has breached an agreement with the landlord (provide a copy of agreement) OPB

Monetary Order:

- ☐ For damage to the unit, site or property MND
- ☒ For unpaid rent or utilities MNR
- ☒ To keep all or part of pet damage deposit or security deposit MNSD
- ☐ For money owed or compensation for damage or loss under the Act, regulation or tenancy agreement MNDC

The request for a Monetary Order is for the following amount:

Provide a detailed calculation of the amount in the 'Details of the Dispute' box below.

\$ 1075

Other

- ☒ Recover filing fee from the tenant for the cost of this application FF
- ☐ Serve documents or evidence in a different way than required by the Act SS
- ☐ End Tenancy Early **and** obtain an Order of Possession ET
- ☐ Other (provide details in the 'Details of the Dispute' box below) O

Details of the Dispute

In two or three sentences, describe the issue. Include any dates, times, people or other information that says who, what, where and when the issue arose or the event occurred. When you are asking for a Monetary Order, include a detailed calculation. Attach a separate sheet if necessary. Any additional sheets must be signed.

s.22

has not paid rent and has not left the unit nor responded to the eviction notice as of October 7 2008. We wish to enforce the notice issued.

SEPT, OCT RENT + DAMAGE DEPOSIT

Signature: [Signature]

Date: October 7 2008

Print name: Paul Roberts

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78., as amended

Between

s.22

Tenant(s),

Applicant(s)

And

0697418 B.C. Ltd., dba Hildon Hotel, Landlord(s),

Respondent(s)

Re: An application pursuant to sections 38 and 67 of the *Residential Tenancy Act* regarding the rental unit at:

s.22

50 W. Cordova Street, Vancouver, British Columbia

Date of hearing: May 22, 2008, by conference call.

ORDER

Having heard the evidence of the applicant and in the absence of any evidence from the respondent, who did not appear although duly served with the application and notice of hearing,

I HEREBY ORDER, pursuant to section 67 of the *Residential Tenancy Act*, the respondent **0697418 B.C. Ltd., dba Hildon Hotel**, to pay to the applicant^{s.22} the sum of **\$402.81**

Dated May 22, 2008.



E. Letain
Dispute Resolution Officer

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78., as amended

between

s.22

Tenant(s),

Applicant(s)

and

0697418 B.C. Ltd., dba Hildon Hotel, Landlord(s),

Respondent(s)

Re: An application pursuant to sections 38 and 67 of the *Residential Tenancy Act* regarding the rental unit at:

s.22

50 W. Cordova Street, Vancouver, British Columbia

Date of hearing: May 22, 2008, by conference call.

Appearances:

s.22

DECISION AND REASONS

NATURE OF APPLICATION

1. This is an application by the Tenant for a monetary order for return of the security deposit. Although the Landlord was personally served with the Notice of Hearing and Application for Dispute Resolution on April 22, 2008, no one participated on its behalf.

ISSUE

2. Has there been a breach of Section 38 of the Residential Tenancy Act by the Landlord?

FACTS

3. The Tenant paid a security deposit of \$200.00 on June 15, 2007, and vacated the premises on January 10, 2008.

ANALYSIS

4. Section 38 of the Residential Tenancy Act states, in part:

- (1) Except as provided in subsection (3) or (4)(a), **within 15 days** after the later of

- (a) the date the tenancy ends, and
- (b) the date the Landlord receives the Tenant's **forwarding address in writing**

the Landlord must do one of the following:

- (c) **repay**, as provided in subsection (8), any security deposit or pet damage deposit to the Tenant with interest calculated in accordance with the regulations; or
- (d) **make an application** for dispute resolution claiming against the security deposit or pet damage deposit.

...

- (5) The right of a Landlord to retain all or part of a security deposit or pet damage deposit under subsection 4(a) does not apply if the liability of the Tenant is in relation to damage and **the Landlord's right to claim for damage against a security deposit or a pet damage deposit has been extinguished under section 24(2) [Landlord failure to meet start of tenancy condition report requirements] or 36(2) [Landlord failure to meet end of tenancy condition report requirements].**
- (6) If a Landlord does not comply with subsection (1), the Landlord
 - (a) may not make a claim against the security deposit or any pet damage deposit, and
 - (b) **must pay the Tenant double the amount of the security deposit, pet damage deposit, or both**, as applicable.

...

[Emphasis added.]

5. Section 38(6)(b) declares that if I find in favour of the Tenant, I **must** order double the applicable deposit to be paid.
6. The Landlord did not do the written condition inspection reports required by section 24 and 36 of the Act. There was no evidence to show that the Tenant had agreed, in writing, that the Landlord could retain any portion of the security deposit, plus interest. There was also no evidence to show that the Landlord had applied for arbitration, within 15 days of the end of the tenancy or receipt of the forwarding address of the Tenant, to retain a portion of the security deposit, plus interest.
7. Section 67 of the Residential Tenancy Act states:
Without limiting the general authority in section 62(3) [*director's authority*], if damage or loss results from a party not complying with this Act, the regulations or a tenancy agreement, the director may determine the amount of, and order that party to pay, compensation to the other party.

CONCLUSION

8. The Landlord has breached the Act. The Landlord is in the business of renting and therefore, has a duty to abide by the laws pertaining to Residential Tenancies.

9. I find that the Landlord is in breach of section 38 of the Act and is not entitled to retain any portion of the security deposit and interest. Having made the above findings, I must Order, pursuant to section 38 and 67 of the Act that the Landlord pay the Tenant the sum of **\$402.81**, comprised of double the security deposit and the interest on the original amount held (\$2.81).
10. The Tenant is given a formal Order in the above terms and the Landlord must be served with a copy of this Order as soon as possible. Should the Landlord fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

Dated May 22, 2008.

A handwritten signature in cursive script, appearing to read 'E. Letain', is written over a horizontal line.

E. Letain
Dispute Resolution Officer

Tenant's Application for Dispute Resolution

For RTB use only: File # 714700

- ☐ This application is being made under the *Manufactured Home Park Tenancy Act*
☒ This application is being made under the *Residential Tenancy Act*

Tenant(s) (Applicant(s): The person asking for dispute resolution)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

s.22

Last name

First and middle names

Last name

First and middle names

Applicant Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

s.22

Unit/site #

Street # and street name

City

Province

Postal Code

s.22

Daytime phone number

Other phone number

Fax number for document service

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Applicants to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Applicant Address, and it is attached.

Dispute Address (address of the rental unit or manufactured home site)

s.22

50 W. Cordova Street

Vancouver

BC

V6B 1C9

Unit/site #

Street # and street name

City

Province

Postal Code

Landlord(s) (Respondent(s): The other party to the dispute)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

0697418 B.C. Ltd DBA Hildon Hotel

Last name or full legal business name

First and middle names

Last name (if more than one landlord, also use form #RTB-26)

First and middle names

Respondent Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

50 W. Cordova Street

Vancouver

BC

V6B 1C9

Unit/site #

Street # and street name

City

Province

Postal Code

604

687-5427

Daytime phone number

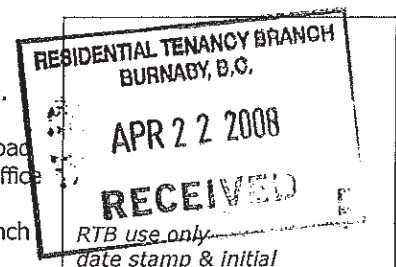
Other phone number

Fax number for document service

- ☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Respondents to this application and it is attached.
☐ Yes, the **Mailing Address** is different from the Respondent Address, and it is attached.

TO FILE THIS APPLICATION:

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- Submit your application in-person at:
 - RTB Burnaby: 400 – 5021 Kingsway Avenue
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 - Any Service BC-Government Agents Office
- Applications may also be submitted online at www.rto.gov.bc.ca.
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Residential Tenancy Branch

Lower Mainland: 604-660-1020 Victoria: 250-387-1602 Elsewhere in BC: 1-800-665-8779

Website: www.rto.gov.bc.ca

#RTB-12-T (2007/10)

For RTB use only: File # 714700

Nature of the Dispute

More time needed for application process

- ☐ Allow a tenant more time to make an application to cancel a *Notice to End Tenancy* MT
Date the *Notice to End Tenancy* was received: _____

Dispute an additional rent increase

- ☐ Dispute an additional rent increase DRI

Cancel a *Notice to End Tenancy* issued for the following reason:

- ☐ Tenant does not qualify for subsidized housing CNQ
☐ Tenant's employment with landlord has ended CNE
☐ Cause (state provision of the Act in the 'Details of the Dispute' box below) CNC
☐ Landlord's intention to convert manufactured home park to another use CNLC
☐ Landlord's use of rental property CNL
☐ Unpaid rent or utilities CNR

Monetary Order for the following reason:

- ☐ Cost of emergency repairs MNR
☐ Money owed or compensation for damage or loss under the Act, regulation or tenancy agreement MNDC
☒ Return of all or part of pet damage deposit or security deposit MNSD

The request for a Monetary Order is for the following amount:

Provide a detailed calculation of the amount in the 'Details of the Dispute' box below.

\$ 400.00

Landlord's action sought

- ☐ Comply with the Act, regulation (state section in the 'Details of the Dispute' box below), or tenancy agreement (provide a copy) OLC
☐ Make emergency repairs for health or safety reasons ERP
☐ Make repairs to the unit, site or property RP
☐ Provide services or facilities required by law (state Act and section in the 'Details of the Dispute' box below) PSF
☐ Return the tenant's personal property RPP
☐ Suspend or set conditions on the landlord's right to enter the rental unit LRE

Tenant's action sought

- ☐ Obtain an Order of Possession of the rental unit or site OPT
☐ Allow access to (or from) the unit or site for the tenant or the tenant's guests AAT
☐ Authorize a tenant to change the locks to the rental unit LAT
☐ Allow a tenant to assign or sublet because the landlord's permission has been unreasonably withheld AS
☐ Allow a tenant to reduce rent for repairs, services or facilities agreed upon but not provided RR

Other

- ☐ Recover filing fee from the landlord for the cost of this application FF
☐ Serve documents or evidence in a different way than required by the Act SS
☐ Other (provide details in the 'Details of the Dispute' box below) O

Details of the Dispute

In two or three sentences, describe the issue. Include any dates, times, people or other information that says who, what, where and when the issue arose or the event occurred. When the dispute includes a request for a Monetary Order, include a detailed calculation. Attach a separate sheet if necessary. Any additional sheets must be signed.

Tenant moved into suite^{s.22} at the Hildon Hotel in June of 2007, and was evicted on January 10, 2008. On March 20, 2008 the Tenant supplied the landlord with^{s.22} forwarding address in writing (delivered by hand), but the Landlord did not return the damage deposit or make a claim with the Residential Tenancy Branch. In the letter of March 20, 2008 the Tenant mistakenly requested a return of \$182.50 but records from the Ministry of Employment and Income Assistance show that the original damage deposit paid was \$200. Tenant makes a claim for \$400 - damage deposit plus penalty for late return.

^{s.22}

Signature: _____

April 22/08

Print name: _____

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78., as amended

between

s.22

Tenant(s),

Applicant(s)

and

HILDON HOTEL, Landlord(s),

Respondent(s)

Re: An application pursuant to section 58 of the *Residential Tenancy Act* regarding the rental unit at:

s.22

50 W.Cordova St., Vancouver, British Columbia

Date of hearing: February 21, 2008, by conference call.


DECISION AND REASONS

I was designated to hear this matter under section 58. A conference call hearing was held on February 21, 2008. The applicant was represented by s.22 The respondent was represented by Paul Roberts.

The application is for the return of a deposit of \$158 plus an amount as double the deposit under section 38. The tenancy ended December 6, 2007. The parties agree that the applicant was evicted from the unit. The forwarding address was provided December 18, 2007. The respondent says that the deposit has not been returned because the respondent has a claim for damages against the applicant. The respondent has not filed a claim against the applicant.

The respondent has not taken the steps required by section 38 to retain the deposit. The claim for the return of the deposit is granted. In addition, section 38 provides that an amount as double the deposit must be paid. The order for \$316 is enclosed.

Dated February 28, 2008.



Mr. Coulson
Dispute Resolution Officer

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78., as amended

Between

s.22

Tenant(s),

Applicant(s)

And

HILDON HOTEL, Landlord(s),

Respondent(s)

Re: An application pursuant to section 58 of the *Residential Tenancy Act* regarding the premises at:

s.22

50 W.Cordova St., Vancouver, British Columbia

Date of hearing: February 21, 2008, by conference call.

ORDER

THIS MATTER having come before me for arbitration;

I ORDER that the Respondent(s) pay to the Applicant(s) the following amounts in satisfaction of this matter:

TOTAL

\$ 316.00

Dated February 28, 2008.



Mr. Coulson
Dispute Resolution Officer

Tenant's Application for Dispute Resolution

For RTB use only: File #

709991



This application is being made under the *Manufactured Home Park Tenancy Act*

This application is being made under the *Residential Tenancy Act*

Tenant(s) (Applicant(s): The person asking for dispute resolution)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

s.22

Last name
s.22

First and middle names

Last name

First and middle names

Applicant Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)
s.22

Unit/site # Street # and street name City Province Postal Code
s.22

☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Applicants to this application and it is attached.

☐ Yes, the **Mailing Address** is different from the Applicant Address, and it is attached.

Dispute Address (address of the rental unit or manufactured home site)

s.22

Unit/site # Street # and street name City Province Postal Code

50 W. Cordova St. Vancouver

BC

V6B 1C9

Landlord(s) (Respondent(s): The other party to the dispute)

If additional space is required to list all parties, use and attach "Schedule of Parties", form #RTB-26.

Hildon Hotel

Last name or full legal business name

First and middle names

Last name (if more than one landlord, also use form #RTB-26)

First and middle names

Respondent Address (address for service of documents or notices – where material will be given personally, left for, faxed, or mailed)

Unit/site # Street # and street name City Province Postal Code

50 W. Cordova St. Vancouver

BC

V6B 1C9

Daytime phone number Other phone number Fax number for document service

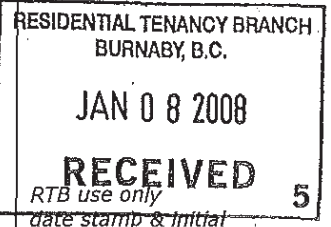
604 687-5427

☐ Yes, a Schedule of Parties (#RTB-26) is being used to add more Respondents to this application and it is attached.

☐ Yes, the **Mailing Address** is different from the Respondent Address, and it is attached.

TO FILE THIS APPLICATION:

1. On this page, fill in the information boxes.
2. On page 2, check the boxes that apply to your request, provide details and sign at the bottom.
3. Submit your application in-person at:
 - RTB Burnaby: 400 – 5021 Kingsway Avenue
 - RTB Kelowna: 101–2141 Springfield Road
 - RTB Victoria: 1st floor, 1019 Wharf Street
 - Any Service BC–Government Agents Office
- Applications may also be submitted online at www.rto.gov.bc.ca.
- Do not give a copy of your Application to the Respondent(s) until the Residential Tenancy Branch accepts it and you have paid the application fee or obtained a fee waiver.



Office of Housing and Construction Standards

Residential Tenancy Branch

Lower Mainland: 604-660-1020 Victoria: 250-387-1602 Elsewhere in BC: 1-800-665-8779

Website: www.rto.gov.bc.ca

#RTB-12-T (2007/10)



For RTB use only: File # 709991

Nature of the Dispute

More time needed for application process

- ☐ Allow a tenant more time to make an application to cancel a *Notice to End Tenancy* MT
Date the *Notice to End Tenancy* was received: _____

Dispute an additional rent increase

- ☐ Dispute an additional rent Increase DRI

Cancel a *Notice to End Tenancy* issued for the following reason:

- ☐ Tenant does not qualify for subsidized housing CNQ
☐ Tenant's employment with landlord has ended CNE
☐ Cause (state provision of the Act in the 'Details of the Dispute' box below) CNC
☐ Landlord's intention to convert manufactured home park to another use CNLC
☐ Landlord's use of rental property CNL
☐ Unpaid rent or utilities CNR

Monetary Order for the following reason:

- ☐ Cost of emergency repairs MNR
☐ Money owed or compensation for damage or loss under the Act, regulation or tenancy agreement MNDC
☒ Return of all or part of pet damage deposit or security deposit MNSD

The request for a Monetary Order is for the following amount:

Provide a detailed calculation of the amount in the 'Details of the Dispute' box below.

\$ 316

Landlord's action sought

- ☐ Comply with the Act, regulation (state section in the 'Details of the Dispute' box below), or tenancy agreement (provide a copy) OLC
☐ Make emergency repairs for health or safety reasons ERP
☐ Make repairs to the unit, site or property RP
☐ Provide services or facilities required by law (state Act and section in the 'Details of the Dispute' box below) PSF
☐ Return the tenant's personal property RPP
☐ Suspend or set conditions on the landlord's right to enter the rental unit LRE

Tenant's action sought

- ☐ Obtain an Order of Possession of the rental unit or site OPT
☐ Allow access to (or from) the unit or site for the tenant or the tenant's guests AAT
☐ Authorize a tenant to change the locks to the rental unit LAT
☐ Allow a tenant to assign or sublet because the landlord's permission has been unreasonably withheld AS
☐ Allow a tenant to reduce rent for repairs, services or facilities agreed upon but not provided RR

Other

- ☐ Recover filing fee from the landlord for the cost of this application FF
☐ Serve documents or evidence in a different way than required by the Act SS
☐ Other (provide details in the 'Details of the Dispute' box below) O

Details of the Dispute

In two or three sentences, describe the issue. Include any dates, times, people or other information that says who, what, where and when the issue arose or the event occurred. When the dispute includes a request for a Monetary Order, include a detailed calculation. Attach a separate sheet if necessary. Any additional sheets must be signed.

Please see attached

s.22

Signature: _____

Date: Jan 7/08

Print name: _____